App. F. IX-4

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GENERAL AND REVENUE SECRETARIAT.

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Miscellaneous papers connected with the Mysore Cities Municipalities Bill.

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WD 0418—GPB—22,500—29-8-36

Mr. L. Chengalraya Reddy
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DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE CITY MUNICIPALITIES BILL.

We, the undersigned members of the Select Committee, to which the Mysore City Municipalities Bill was referred, have considered the Bill at the meetings held on the 22nd, 23rd, and 24th September and the 7th and 8th October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal, have been indicated in the Bill annexed thereto.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if those clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the original Bill:—

Note.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause (4).—We consider it expedient to provide a sub-clause for the vesting in the Government of property, etc., of municipal councils which have ceased to exist, as provided for in the Town Municipalities Bill. We have accordingly added the following as sub-clause (4):—

"(4) When any local area ceases to be a city municipality, the municipal council constituted therein shall cease to exist and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction." Property and rights of municipal council which has ceased to exist to vest in Government.

Clause 5 (3).—We consider that if a town municipality is constituted as a city municipality, by-laws in force in such municipalities should also continue to have force therein as well as notifications, orders, rules, etc., and consequently after the word "rule" in each of the three places where it occurs in the sub-clause, the word "by-law" is inserted.

Clause 9 (2).—We decided by a small majority that the elected element in the composition of municipal councils should not be less than four-fifths. Accordingly, in each of the two places where the words "two-thirds" occurred, the words "four-fifths" are substituted.

Clause 9 (3).—In order to provide for a possibility of having a fully elected element it was decided to add a sub-clause on the lines of the Bombay City Municipalities Act as follows, the existing sub-clause (3) being re-numbered as (4):—

"(3) Notwithstanding anything contained in sub-sections (1) and (2) above, the Government may direct that all the councillors shall be elected."

Clause 12 (1).—We consider that persons who have accepted employment as legal practitioners against a municipal council and those that are employed as paid legal practitioners on behalf of a municipal council should, as provided in the Madras Act be disqualified to be councillors of such municipal council. Accordingly the following has been added after para (*f*), the word "or" being added at the end of the said para:—

"(*g*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council."

Consequent on this addition para (v) of proviso (*c*) of the sub-clause which provided for the exemption of legal practitioners from disqualification to be councillors has been omitted, the succeeding paras of the proviso being renumbered.

Clause 12 (2).—As regards the provision in para (*c*) of the sub-clause disabling a member from continuing as a councillor if he departs beyond the limits of Mysore, we are of opinion that as it is difficult to ascertain the intention of the absentee member, the provision is unworkable in practice and should be deleted. It is considered that the provision in para (*e*) is a sufficient safeguard against continued absence, and that the para should be suitably amended so that the municipal council shall not have power to grant leave in case of absence exceeding six successive months. Accordingly para (*c*) of the sub-clause has been omitted, the subsequent paras being renumbered and para (*e*) has been recast as follows:—

"(*d*) not being a salaried servant of the Government absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or"

We consider that all persons who are disabled by the provisions of this sub-section should be eligible for re-election or re-appointment when the disability has ceased. Accordingly the words, letters and brackets "clauses (a) to (d) and (f) of" in the last para of this sub-section are deleted.

Clause 22 [23].—This has been transferred next after clause 21 with the heading "(5) *Municipal government*" and numbered as clause 22, the original clause 22 being numbered as clause 23.

Clause 23 [22.]—The heading of the sub-chapter to original clause 22 numbered as clause 23 *viz.*, "*Presidents and vice-presidents*" has been numbered "(6)."

Clause 23 [22] (2).—The paras of the sub-clause are re-arranged so that para (d) may come first and then para (c), followed by paras (a) and (b).

Clause 23 [22] (4).—We consider that the vice-presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 23 [22] (8) and (14).—Consequent on the above change the words "appointment or" in the last line but one and the words "as the case may be" in the last line of clause 23 [22] (8), and the words "or vice-president" in the last line of clause 23 [22] (14) are omitted.

Clause 23 [22] (11).—We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted, and further necessary verbal changes are made.

Clause 23 [22] (12).—We are of opinion that the Government should have the power to limit to one year the term of not only elected presidents but also vice-presidents. The proviso to the sub-clause has been re-cast as follows :—

"Provided that in the case of elected presidents or vice-presidents or both the Government may in special cases, with the consent of the municipal council concerned, direct that their term be limited to one year and that elections therefor be held every year."

Clause 24 (3).—It was considered expedient that all correspondence between the municipal council and the Government should be through the president and consequently the word "official" was deleted from this sub-clause.

Clause 27 (14).—In order to make it clear that the resolution which is passed must have the support of at least one-half the whole number of members, the sub-clause is amended by substituting the word "passed" for "supported" and omitting the words "and passed."

Clause 29 (3).—We consider it expedient to give a right of appeal to the president from the orders of the municipal commissioner in cases of refusal to give access to municipal records and accordingly, the following is added at the end of the sub-clause :—

"The councillor may appeal from the order of the municipal commissioner, to the president whose decision shall be final."

Clause 29 (4).—We consider that the president should have free access to all the records when there is a municipal commissioner and that the municipal commissioner should comply with all requisitions of the president for information appertaining to municipal administration. The following sub-clause is added after sub-clause (3) :—

"(4) In a municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipal council and the municipal commissioner shall comply, without unreasonable delay, with any requisition of the president for any information appertaining to the municipal administration."

Clause 36 (4).—The words and numbers "kept under sub-section (9) of section 27" at the end of the sub-clause are deleted as being unnecessary.

Clause 44 (2).—The words "municipal commissioner" are substituted for the words "chief executive officer." In order that the liability of the officers of the municipality due to their misconduct may be similar to that of the members, the words "has been caused or facilitated by his" are inserted before the last word "misconduct."

Clause 49 (*b*).—We consider that the municipal council should have the power to make rules to determine the staff to be employed, their duties, salaries, etc. We have therefore inserted as para (*ii*) of this sub-clause the

following provision similar to section 46 (*b*) (*ii*) in the present Regulation:—

"(*ii*) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 38;"

Clause 53 (2).—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipality is concerned. Accordingly the words "and public buildings of every description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all lands" in para (*e*).

Clause 55.—We consider that this clause is too cumbersome and have replaced it by the following:—

Application of municipal fund and property.

"55 The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 58, 59 and 61 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests."

Clause 61 (*s*).—The words "one-half" are substituted for the words "two-thirds."

Clause 61 (*u*).—We consider that the advancement of the economic condition of the inhabitants should also be a discretionary function of the municipal council. Accordingly the words "the advancement of the economic condition of the inhabitants or" are inserted after the words "public health, safety or convenience or"

In this sub-clause also, the words "one half" are substituted for the words "two thirds."

Clause 64 (*ix*).—We are of opinion that the water rate should not be fixed at a very high rate but should be such that it is reasonable considering the expenses incurred for providing the water supply. Accordingly, the following has been inserted in column 2 of Schedule I against item D "Water rate or water rates."

"Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply."

Clause 72.—We consider that from the orders of the municipal commissioner acting as revising authority, there should be an appeal to the managing committee and that its decision should not be liable to revision by or be appealable to the municipal council. We have accordingly inserted after sub-clause (4) the following sub-clause:—

"(5) From every order of the municipal commissioner under sub-section (4), there shall be an appeal in

accordance with the rules to be framed by the municipal council in this behalf to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of section 37."

Consequent on the insertion of the above, sub-clause (5) has been re-cast as shown below, sub-clauses (6) and (7) being re-numbered :—

"(6) When all objections made under this section and appeals under sub-section (5) have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment-list, the said list shall be authenticated by the revising authority."

Clause 73 (1).—As the revising authority may become *functus officio* after the revision work is completed, it will be the function of the municipal council to amend the assessment-list as occasion arises subsequently. The words "municipal council" have therefore been substituted for the words "revising authority."

Clause 83 (5).—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted, sub-clause (6) being re-numbered as (5) and the word and figures "(4) and (5)" therein being altered into "and (4)."

Clause 89 (2).—The words "on conviction by a magistrate" are inserted between the words "shall" and "be" in order to make it clear that the fine should be imposed only by a magistrate.

Clause 94 (1).—We consider that the farming of tolls should be annual and have inserted the words "annually" after the words "to lease."

Clause 106 [104].—This has been transferred next after existing clause 106, the existing clauses 105 and 106 being numbered as 104 and 105 respectively.

Clause 109 (1).—For the words "either as existing or as determined upon for the future," the words "as prescribed under section 108" are substituted to make the meaning clear.

Clause 115 (5).—The last sentence of the sub-clause is omitted as unnecessary.

Clause 116.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest. A new clause as follows has therefore been inserted as clause 116 after clause 115, and penalty is also provided for infringement of such prohibitory order, the subsequent clauses being suitably re-numbered:—

Power of Government to prohibit the erection of buildings in certain area without permission.

"116. (1) Notwithstanding anything contained in section 115, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the official gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf:

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall be punished with fine which may extend to two hundered rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2)."

Clause 166 [165] (3).—We consider that license should be obtained for burning bricks in all cases and consequently the words " for other than trade purposes " have been deleted in the sub-clause as also in the marginal heading.

Clause 168 [167] (3).—The words " for a period not exceeding one year at a time " have been inserted after the word " lease."

Clause 179 [178] (2) (*c*).—We consider that the appellate authority from the order of the municipal council prohibiting erection of buildings in overcrowded areas should be an officer who may be empowered by the Government in this behalf and we have accordingly substituted the words " an officer who may be empowered by the Government in this behalf and " for the words " the Deputy Commissioner."

Clause 185 [184].—It was suggested by Mr. H. C. Dasappa, that the manner of service of notices which give directions disobedience whereof would be an offence under this Regulation should be more formal than provided for here, and should be in accordance with the provisions of the Civil Procedure Code. The Committee considered the suggestion, but finally decided against it as the procedure under the Civil Procedure Code would be somewhat complicated.

Clause 192 [191].—For the sake of clearness the words " by this Regulation " have been omitted and the words " by any person under this chapter, " have been inserted after the words " directed to be paid,"

Clause 203 [202].—We consider that the limitation that the balance of the municipal fund should not fall below a certain minimum at all times will be unworkable and hamper the municipal council. Hence the words " and the balance of the municipal fund does not fall below a sum which the Government may, from time to time, fix in this behalf generally for all municipalities or specially for any municipality " have been deleted.

Clause 204 [203] (3) (*d*).—As a change consequential on the above alteration, the words " such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality " have been substituted for the words " the sum fixed under sub-section (1) of section 202."

Clause 205 [204].—The marginal heading " Revision of budget " is inserted.

In para (b) for the words and figures " sub-section (1) of section 202 " the words, letter, figures and brackets " clause (d) of sub-section (3) of section 204 " are substituted.

Clause 207 [206] (1).—For the words "a Government auditor," the words "an auditor appointed by the Government" are substituted.

Clause 207 [206] (3).—For the words "or if the auditor is a Government auditor, then" the words "and in the case of a Government auditor" are substituted.

Clause 212 [211].—We consider that it will be more convenient and expeditious to recover these amounts through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the Court." the words "by the Deputy Commissioner as an arrear of land revenue and credited to the Municipal fund" are substituted.

Clause 215 [214] (2).—This sub-clause is recast as follows :—

"(2) In a municipality for which there is a municipal commissioner, the municipal commissioner, and in other municipalities, the president, shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon."

Clause 215 [214] (3).—For the word "shall" the word "may" is substituted.

Clause 220 [219] (1).—We have recast this sub-clause as follows :—

"The Government after consulting the municipal council may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify."

Clause 221 [220] (1).—We consider that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the works should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly we have inserted the words "after consulting the municipal council" after the words "at any time" and deleted the words "or convenience" in para (*a*), inserting the word "or" before the word "safety."

Clause 225.—We consider that the Government should have the power in case of default by a municipal council to pay its dues to the Government to direct the person having custody of the municipal fund to pay to the Government such amounts due in priority to any other charge. A clause as follows has been added after the present clause 223, the subsequent clauses being renumbered.

"225. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order."

Power of Government to direct person custody of municipal fund to pay Government dues.

Clause 226 [224].—We consider it desirable that Government should also have the power to dissolve a municipal

council in cases of incompetency, as this may in some cases be a sufficient remedy, being less drastic than supersession. Accordingly the following amendments are made in the clause :—

(*a*) In sub-clause (1) for the words "If in the opinion of the Government" the words "If after such enquiry as the Government may consider necessary, the Government is of opinion that" are substituted and after the words "as the case may be, and" the words "may dissolve such municipal council or" are inserted.

(*b*) In line 1 of sub-clause (2) between the words "so" and "superseded" the words "dissolved or" are inserted.

(*c*) In sub-clause 2 (*a*) for the words "as from the date of the order" the words "in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession" are inserted.

(*d*) In sub-clause (2) (*b*) and sub-clause (2) (*c*) after the word "period" the words "between dissolution and reconstitution or" are inserted.

(*e*) The following is inserted after sub-clause (2) as sub-clause (3), sub-clause (3) being re-numbered and sub-clause (4) being deleted :—

"(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted :—

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be."

Clause 228 [226] (2).—Consequent on the insertion of clause 49 (*b*) (ii) which we have made, power to make rules in special matters specified in that clause relating to staff of officers, etc., is provided by inserting in para (*c*) of the sub-clause the letter and brackets "(*b*)" between the words "clauses" and the letter and brackets "(*c*)," and para (*e*) of the sub-clause is omitted.

We consider that the power to make rules prescribing taxes, etc., should remain with the municipal council and that the Government need not have this power. Accordingly we have deleted the letter and brackets "(*h*)" from sub-clause (2) (*c*), and transposed the word "and" before "(*g*)".

Para (*k*) of the sub-clause relating to intermediate offices through which correspondence between municipal councils and the Government or the Government officers has to pass is considered unnecessary and deleted.

We consider that Government should have power to make rules in respect of all matter connected with the grant of permission under clause 116 which we have newly inserted. The following para has therefore been added as before the existing para (*n*) para (*l*) of the sub-clause :—

"(*l*)" for the regulation of all matters connected with the grant of permission under section 116;"

Clause 228 [226] (4).—We consider that rules under this Regulation should be made by the Government after

previous publication and have re-cast the sub-clause as follows :—

"(4) The power of Government to make rules under this Regulation shall be subject to the condition of previous publication. All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and shall thereupon have effect as if enacted in this Regulation."

Clause 240 (238) (3).—The sub-clause is recast as follows :—

"The municipal commissioner shall be removeable from office by the Government, if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal."

Clause 245 [243] (1).—We consider that the president himself may furnish to Government copies of resolutions passed at the meetings of the municipal council, and accordingly the letter and brackets "*(f)*" in the sub-clause are omitted.

Clause 245 [243] (3).—In consequence of the amendment made in clause 73, the word and figure "Section 73," are inserted above the word and figure "Section 81," in the sub-clause.

With regard to the powers under section 81, we consider that the municipal commissioner may sanction remissions and refunds up to two hundred and fifty rupees only and we have inserted the words "except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees," after the word and figure "Section 81," in the sub-clause.

Clause 245 [243] (3).—*Proviso* (*a*). We consider that in cases falling under section 115 (6) (*b*) also, the municipal commissioner should act subject to the general or special orders of the municipal council and accordingly after the word and figure "section 110" the words, figures, letter and brackets "clause (*b*) of sub-section (6) of section 115" are inserted.

Claase 248 [246] (1).—We consider that the power of the municipal commissioner to appoint persons without reference to the municipal council may be limitted to posts carrying a monthly salary not exceeding sixty rupees and that his power to fine, reduce etc., should be co-extensive with his power to appoint, and we have accordingly substituted the word "sixty" for the words "one hundred" and deleted the proviso to the sub-clause.

Clause 249 [247].—We consider that appeals should lie to the municipal council from the orders of the municipal commissioner in the following cases also :—

(*i*) Sub-section (4) of section 107,

(*ii*) Clause (*b*) of sub-section (6) of section 115, and

(*iii*) Section 192 [191].

The clause has been amended accordingly.

Schedule II A. Class I.—We consider that the maximum rate of octori on betel leaves may be fixed at one pie per 100 leaves and we have substituted "0-0-1" for "0-0-2" against "betel-leaves".

K. C. Reddy

W D—866—GPB—30—26-10-32.

CLAUSES OF THE BILL AS AMENDED BY THE SELECT COMMITTEE.

N.B.—*Portions deleted by the select committee are enclosed in square brackets and portions added are printed in italics.*

THE MYSORE CITY MUNICIPALITIES BILL.

BILL TO MAKE BETTER PROVISION FOR THE MANAGEMENT OF MUNICIPAL AFFAIRS IN CITIES IN MYSORE.

WHEREAS it is expedient to make better provision for the management of municipal affairs in city municipalities in Mysore; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title. 1. (1) This Regulation may be cited as the Mysore City Municipalities Regulation, 19.

Local extent. (2) It extends to the whole of Mysore.

Commencement. (3) It shall come into force on the first day of....

* *

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

(1) * * *
(2) * *
(3) * * *

Property and rights of municipal council which has ceased to exist to vest in Government.

(4) *When any local area ceases to be a municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction.*

5. (1) * * *
(2) * * *

(3) Any appointment, notification, notice, tax, order, scheme, license, permission, rule, *by-law* or form made, issued or imposed under the Mysore Town Municipalities Regulation, 19.... in respect of a municipality declared as a city municipality, so far as is not inconsistent with the provisions of this Regulation, and any appointment, notification, order scheme, rule, *by-law* or form made or issued under any other law in respect of such municipality shall continue in force and be deemed to have been made, issued or imposed under

the provisions of this Regulation or of such other law in respect of the city municipality constituted by such declaration unless and until it is superseded by any appointment, notification, notice, tax, order, scheme, license permission, rule, *by-law* or form made or issued under this Regulation or such other law.

* * *

9. (1) * * *

In specified proportions.

(2) The number of elected councillors shall not be less than [two-thirds] *four-fifths* of the whole number of councillors ; and of the number of nominated councillors, the salaried servants of the Government, if any, shall not exceed one-half.

Provided that when a president appointed by the Government under clauses [(*a*) and (*b*)] (*c*) *and* (*d*) of sub-section (2) of section 23 [22] or when a president elected under clause [(*d*)] (*a*) of the same sub-section is not a councillor. the [two-thirds] *four-fifths* of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional councillor.

(3) Notwithstanding any thing contained in sub-sections (1) and (2) above the Government may direct that all the councillors shall be elected.

(4) [(3)] * * *
* * *

(3) *Municipal Councillors.*

General disqualifications for becoming a councillor.

12. (1) No person may be a councillor—

(*a*) * * *
(*b*) * * *
(*c*) * * *
(*d*) * * *

and no person,

(*e*) * * *

(*f*) who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(*g*) *who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,*

may be a member of such municipal council.

Provided that—

(*a*) * * * *
(*b*) * * *

(*c*) a person shall not be deemed to have incurred disqualification under clause (*f*) by reason of his—

(*i*) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(*ii*) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by, or on behalf of, the municipal council, or

(*iii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(*iv*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipal council, or

[(*v*) being professionally engaged on behalf of the municipal council as a legal practitioner, or]

* * *

(2) If any councillor during the term for which he has been elected or appointed— Disabilities from continuing a councillor.

* * *

* * *

[(*c*) departs beyond the limits of Mysore with the declared or known intention of absenting himself continuously for a period exceeding six months, or]

(*c*) [(*d*)] * * *

* * *

[(*e*) not being a salaried servant of the Government, absents himself during four successive months from the meetings of the municipal council, except with the leave of the municipal council, or]

(*d*) *not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or*

(*e*) [(*f*)] fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor, and his office shall become vacant.

A councillor whose office has become vacant under [clauses (*a*) to (*d*) and (*f*) of] this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

(3)

(5) *Municipal government.*

22. [23] (1) Except as in this Regulation otherwise expressly provided, the municipal government of a municipality vests in the municipal council. Municipal Government to vest in the municipal council.

(2) In a municipality for which there is a municipal commissioner, the executive power for the purpose of carrying out the provisions of this Regulation vests in the municipal commissioner, subject, wherever it is in this Regulation expressly so directed, to the approval or sanction of the municipal council and subject also to all other restrictions, limitat ons and conditions imposed by this Regulation.

(6) *Presidents and Vice Presidents.*

23. [22] (1) For every municipal council there shall be a president, and if and whenever the municipal council so desires, a vice-president. Every municipal council to have a president and if the municipal council so desires, a vice-president.

President to be appointed or elected.

(2) The president may be—

[(*a*) appointed by the Government by name, or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government, from time to time, notifies in this behalf, or

(*c*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*d*) if the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf.]

(a) if the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf. or

(b) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(c) appointed by the Government by name, or

(d) appointed by the Government ex-officio, that is to say, as executing the functions of any office which the Government, from time to time, notifies in this behalf.

(3) * * *

Vice-president to be elected. [except when appointed by Government.]

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

[Provided that the Government may, for special reasons and in the case of such municipal councils as it may deem fit, appoint the vice-president by name.]

(5) * * *

(6) * * *

(7) * * *

Limit of grant of leave and arrangements during leave.

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors whether the president was elected under clause [(*c*) or (*d*)] (*a*) *or* (*b*) of sub-section (2), within such period and in such manner as may be prescribed. If the council fails to elect the president or if the appointment of the president was under clause [(*a*)] (*c*) of sub-section (2), the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by [appointment or] election[,] [as the case may be] of some other councillor thereto.

(9) * * *

(10) * * *

Removal of presidents and vice-presidents.

(11) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts.

Explanation.—A person may be presumed to be unable to pay his debts if [(*a*)] he is under arrest or imprisonment in execution of the decree of any court for the payment of money. [or]

[(*b*) an order of attachment in execution of such a decree has been made and is subsisting against his property.]

(12) The term of office of every president and of every vice-president shall, save as otherwise provided in this Regulation, cease on the expiry of his term of office as councillor. Term of office of president and vice-president.

[Provided that in the case of elected Presidents, Government may in special cases, direct elections every year with the consent of the municipal councils concerned.]

Provided that in the case of elected presidents or vice-presidents or both the Government may in special cases, with the consent of the municipal council concerned, direct that their term be limited to one year and that elections therefor be held every year.

* * *

(13) * * *

(14) The president or vice-president of any municipal council who is not a Government officer may receive out of the municipal fund such monthly [salary or] allowances as such municipal council may sanction from time to time with the approval of the Government. It shall be lawful for any municipal council to pay out of the municipal fund with the sanction of the Government salary or allowances to any Government officer who is appointed as president. [or vice-president.] Remuneration of president and vice-president of municipal conucil.

24. (1) Subject to the provisions of chapters XIII and XIV, it shall be the duty of the president of a municipal council to— Functions of presidents.

* * *

(2) * * *

(3) All [official] correspondence between a municipal council and the Government shall be conducted through the president. The president shall without delay transmit all communications addressed through him by the municipal commissioner to the Government or by the Government to the municipal commissioner. Channel of [official] communication with Government.

* *

CHAPTER III.

Conduct of Business.

(1) *Municipal Meetings.*

27. The following provisions shall be observed with respect to the meetings of a municipal council :— Provisions in regard to meetings of a municipal council.

* * *

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution [supported] passed by not less than one-half of the whole number of councillors [and passed] at a general meeting whereof notice shall have been Modification and cancellation of resolutions.

given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution.

* * *

(1) * * *

(2) * * *

Duties and powers of individual councillors *and president.*

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the municipal commissioner, when there is one, and in other cases to the president, provided that the municipal commissioner or the president may for reasons given in writing forbid such access. The *councillor may appeal from the order of the municipal commissioner to the president whose decision shall be final.*

(4) *In a municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipal council and the municipal commissioner shall comply without unreasonable delay with any requisition of the president for any information appertaining to the municipal administration.*

* * *

Procedure by circular.

36. (1) * * *

(2) * * *

(2) * * *

and how to be recorded.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book. [kept under sub-section (9) of section 27.]

* * *

(8) *Liabilities of councillors, officers and servants.*

* * *

Liability of president, vice-president and members for loss, waste or misapplication.

(2) Every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president; the [chief executive officer] *municipal commissioner*, the chief officer, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this Regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or *has been caused or facilitated by his* misconduct.

* * *

CHAPTER IV.

Rules and Bye-laws.

Municipal councils to make rules.

49. Every municipal council shall make rules not inconsistent with this Regulation or with the rules made by the Government under section 228 [226] and may from time to time alter or rescind them—

(*a*) * * *

(*b*) (*i*) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, the chief officer or the municipal commissioner and the delegation of any of its powers or duties to such persons ; Fixing the functions of the president and the establishment

(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees, and absentee or other allowances of such officers and servants and the powers and duties delegated to them under section 38 ;

* * *

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

53. (1) * * *

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this Regulation ; that is to say— Property vested in the municipal council.

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots ; [and public buildings of every description ;]

(*b*) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well ;

(*c*) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere ;

(*d*) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto ;

(*e*) all lands *and buildings* transferred to it by the Government, or by gift or otherwise, for local public purposes;

(*f*) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(3) * * *

* * *

[55. All property vested in the municipal council under this Regulation, and all funds received by it in accordance with the provisions of this Regulation, and all sums accruing to it under the provisions of any law for the time being in force, shall be applied, subject to the provisions and for the purposes of this Regulation, within the limits of the municipality. Municipal property and funds how to be applied.

Provided that any funds granted to the municipal council by the Government for any specific work or purpose

shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf.

Provided always that it shall be lawful for the municipal council, with the sanction of the Government or any officer duly authorised by Government in this behalf,—

(*a*) to incur expenditure beyond the said limits—

(i) in the acquisition of land, or

(ii) in the construction, maintenance or repair of works,

for the purpose of obtaining a supply of water required for the inhabitants of the municipality, or of establishing slaughter-houses or places for the disposal of night-soil or of sewage or of carcasses of animals beyond the said limits, or for drainage works, or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the said municipality ; or

(*b*) to make a contribution towards expenditure incurred by any other municipal council, or in any area subject to the authority of a local board or incurred out of any public funds for measures affecting the health, instruction or convenience of the public and calculated to benefit the residents within the limits of the contributing municipal council ; or

(*c*) to create scholarships tenable outside the limits of the municipality.

Provided further that nothing in this section, or in any other provision of this Regulation, shall be deemed to make it unlawful for a municipal council, when with such sanction as aforesaid it has constructed works beyond the limits of the said municipality for the supply of water or for drainage as aforesaid—

(*a*) to supply, or extend to, or for the benefit of, any person or buildings or lands in any place, whether such place is or is not within the limits of the said municipality, any quantity of water not required for the purpose of this Regulation within the said municipality, or the advantages afforded by the system of such drainage works on such terms and conditions, with regard to payment and to the continuance of such supply or advantages, as shall be settled by agreement between the municipal council and such person or the occupier or owner of such buildings or lands, or

(*b*) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or alteration of any connection pipes, or other works necessary for the purpose of such supply or for the extension of such advantages.]

Application of municipal fund and property.

55. *The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections* 58, 59 *and* 61 *and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests.*

* * * *

CHAPTER VI.

Obligatory and Discretional Functions of Municipal Councils.

* * * *

Discretionary powers of expenditure of municipal council.

61. Municipal councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for

* * * *

(*s*) by a resolution passed at a general meeting and supported by [two-thirds] *one-half* of the whole number of councillors, and with the previous sanction of the Government, any public reception, ceremony, entertainment or exhibition within the municipality ; and

(*t*) * * *

(*u*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience *or the advancement of the economic condition of the inhabitants or* which is necessary for the carrying out of this Regulation expenditure whereon is resolved by the municipal council by the votes of not less than [two-thirds] *one-half* of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

* * * *

CHAPTER VII.

Municipal Taxation.

Public notice of time fixed for revising assessment list.

72. (1) * * *

(2) * * *

(3) * * *

(4) * * *

(5) *From every order of the municipal commissioner under sub-section* (4), *there shall be an appeal in accordance with the rules to be framed by the municipal council in this behalf to the managing committee whose decision shall be final, notwithstanding any thing contained in sub-section* (2) *of section* 37.

Authentication of list.

[(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority.]

Authentication of list.

(6) *When all objections made under this section and appeals under sub-section* (5) *have been disposed of and all amendments in accordance with sub-sections* (4) *and* (5) *have been made in the assessment-list, the said list shall be authenticated by the revising authority.*

7. [(6)] * * *

8. [(7)] * * *

Amendment of assessment list.

73. (1) The [revising authority] *municipal council* may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect

of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment-list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

* * * *

(4) *Special provisions relating to certain taxes.*

83. (1) * * * *

(2) * * * *

(3) * * * *

(4) * * *

Composition of octroi.

[(5) The municipal council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force, for a lumpsum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall, however, be fixed with due regard to the extent of trade carried on by the merchant in the article or articles concerned.]

(6) * * * *

* * * *

89. (1) * * * *

Penalty for evasion of octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall *on conviction by a magistrate* be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

* * * * *

Farming of tolls.

94. (1) It shall be lawful for the municipal council to lease *annually* the levy of any toll that may be imposed under this Regulation by public auction or private contract.

(2) * * * *

CHAPTER VIII.

Recovery of Municipal Claims.

* * * * *

CHAPTER IX.

MUNICIPAL POWERS AND O

(I) Powers in respect of streets.

104. [105] * * * Power regarding street, etc.

(2) * * *

105. [106.] * * * Power to require repair of streets;

106. [104] * * * Temporary closure of streets.

* * * *

(2) Powers to regulate buildings, etc.

109. (1) If any part of a building projects beyond the regular line of a public street *as prescribed under section* 108, [either as existing or as determined upon for the future] or beyond the front of the building on either side thereof, the municipal council may,— Setting back projecting buildings.

* * * * *

115. (1) * * * * Notice of new buildings.

(2) * * * *

(3) * * * *

(4) * * * *

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4). [And no person to whom permission to erect or alter or add to any building has been granted before the date on which this sub-section comes into force shall be entitled to commence such work after the expiry of one year from such date.]

(6) * * * *

(7) * * * *

116. (1) *Notwithstanding anything contained in section* 115, *the Government may in the public interest and after consulting the municipal council prohibit by notification published in the official gazette the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf ;* *Power of Government to prohibit the erection of buildings in certain area without permission.*

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) *The grant of any permission under sub-section* (1) *may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.*

(3) *Whoever erects any building contrary to the provisions of sub-section* (1) *or the conditions imposed under sub-section* (2) *shall be punished with fine which may extend to two hundred rupees.*

(4) *The Government may demolish any building erected contrary to the provisions of sub-section* (1) *or the conditions imposed under sub-section* (2).

* * * * *

Licenses to be taken for burning bricks. [for other than trade purposes.]

166. [165] (1) It shall be lawful for the municipal council to publish by a notification in the official gazette that no place within municipal limits shall be used for burning bricks [for other than trade purposes] without a license from the municipal council and except in accordance with the conditions specified therein ;

Provided that no such notification shall take effect until sixty days from the date of publication.

* * * * *

Opening, closing, and letting of markets nad slaughter-houses.

168. [167] (1) * * *

(2) * * *

(3) It shall be lawful for the municipal council to lease *for a period not exceeding one year at a time* by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

* * * * *

Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.

179. [178] (1) * * *

* * * * *

(2) The powers all or any of which may be conferred on a municipal council under sub-section (1), are as follows :—

(*a*) * * * *

(*b*) * * * *

(c) power, subject to a right of appeal to [the Deputy Commissioner,] *an officer who may be empowered by the Government in this behalf and* whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space, and by general notice published in the manner provided in sub-section (3) of section 185 [184] the erection of any building or of any building exceeding such dimensions as may be specified

(i) on the side of any building which has in whole or in part in exercise of the power specified in clause (*a*) been pulled down, or

(ii) on any space not occupied by buildings whether such space is private property or not, and whether it is enclosed or not

if the municipal council considers that in order to prevent such risk as aforesaid such site or space should not be built upon and either

(*a*) to acquire such site or space, or

(*b*) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof.

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section 191 [190], shall be paid to any person whose rights are affected by such prohibition.

* * * * *

Costs or expenses how determined and recovered

192. [191]. If a dispute arises with respect to any costs or expenses which are [by this Regulation] directed to be paid *by any person under this chapter*, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Regulation, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

CHAPTER X.

PROSECUTIONS, SUITS AND POWERS OF POLICE.

* * * * *

CHAPTER XI.

MUNICIPAL ACCOUNTS AND ADMINISTRATION REPORTS.

Prohibition of expenditure not budgeted for.

203. [202]. Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, [and the balance of the municipal fund does not fall below a sum which the Government may, from time to time, fix in this behalf generally for all municipalities or specially for any municipality] provided that the following items shall be excepted from this prohibition, namely :—

* * * * *

* * * *

204. [203] (1) * *

(2) * * *

(3) In such budget estimate, the municipal council shall, among other things—

(*a*) * * * *

(*b*) * * * *

(*c*) * * * *

(*d*) allow for a balance at the end of the said year of not less than [the sum fixed under sub-section (1) of section 202] *such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality.*

(4) * * * *

Revision of budget.

205. [204] If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that without the approval of the Government,

(*a*) no reduction shall be made in the amounts, allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 204 ; [203] and

(*b*) the closing balance shall not be reduced below the sum fixed under [sub-section (1) of section 202] clause (*d*) *of sub-section* (3) *of section* 204.

* * * * *

Audit of accounts.

207. [206.] (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by [a Government auditor] *an auditor appointed by the Government* and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon [or if the auditor is a Government auditor, then] ***and in the case of a Government auditor*** such charges as may be prescribed by the Government.

* * * * *

Recovery of amounts disallowed.

212. [211.] Every sum certified to be due from any person by the Deputy Commissioner under this Regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable [on an application made by the municipal council to the court in the same way as an amount decreed by the court.] ***by the Deputy Commissioner as an arrear of land revenue and credited to the municipal fund.***

* * * * *

Annual administration report.

215. [214] (1) * * *

[(2) In a municipality for which there is a municipal commissioner, the municipal commissioner and in other municipalities the president, shall prepare the report; the municipal council shall consider the report and forward it to the Government with its resolution thereon.]

(2) ***In a municipality for which there is a municipal commissioner, the municipal commissioner and in other municipalities the president shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon.***

(3) The report [shall] ***may*** be published in such manner as the municipal council, subject to the approval of the Government, may direct.

CHAPTER XII.

CONTROL.

* * * *

Aegncy for execution of public works.

220. [219] (1) [Such public works as in the opinion of Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.]

The Government after consulting the municipal council may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify.

(2) * * * *

(3) * * * *

(4) * * * *

Special provision in regard to works executed by Government.

221. [220.] (1) Notwithstanding anything contained in this Regulation, it shall be lawful for the Government at any time ***after consulting the municipal council***—

(*a*) to construct any work or works of a permanent nature which, in the opinion of Government, is or are neces-

sary or desirable for the health *or* safety [or convenience] of the inhabitants, whether within any municipality or without it wholly or in part ;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council, or to resume the same from the municipal council ;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this Regulation ;

* * * * *

224. [223] (1) * * * * Power of Government to provide for performance of duties, in default of municipal council.

(2)* * * *

(3)* * * *

225. *If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit be bound to comply with such order.* *Power of Government to direct person in custody of municipal fund to pay Government dues.*

226. [224] (1) [If in the opinion of the Government] *If after such enquiry as the Government may consider necessary, the Government is of opinion that* any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and *may dissolve such municipal council or* supersede it for a period to be specified in the order. Power of Government to dissolve or supersede municipal council in case of incompetency, default, or abuse of powers.

(2) When the municipal council is so *dissolved or* superseded, the following consequences shall ensue :— Consequences of exercise of such power.

(*a*) all councillors of the municipal council shall, [as from the date of the order] *in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession,* vacate their offices as such councillors ;

(*b*) all powers and duties of the municipal council shall during the period *between dissolution and reconstitution or* of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

(*c*) all property vested in the municipal council shall, during the period *between dissolution and reconstitution or* of superssesion, vest in the Government.

(3) *After the issue of an order under sub-section* (1), *the municipal council shall by the election or appointment of councillors be reconstituted—*

(*i*) *in the case of dissolution, on the date specified in the order, or*

(*ii*) *in the case of supersession, on the date specified in the order under sub-section* (1) *or sub-section* (4) *as the case may be.*

Power after enquiry to continue period of supersession.

(4) [(3)] If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

[(4) The municipal council shall be re-established by the election or appointment of new councillors under the provisions of this Regulation applicable thereto—

(*a*) if no direction has been made under sub-section (3), then on the expiration of the period specified in the order of supersession under sub-section (1), and

(*b*) if a direction has been made under sub-section (3), then on such date as is fixed under that sub-section for the re-establishment of the municipal council.]

* * * * *

Power of Government to make rules and orders.

228. [226] (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this Regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) * * * *

(*b*) * * * *

(*c*) for the regulation of all or any of the matters specified in clauses (*b*), (*c*), (*e*), (*f*), *and* (*g*) [*and* (*h*)] of section 49.

(*d*) * * * *

[(*e*) as to the staff of officers and servants to be employed by municipal councils and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and their powers and duties :]

(*e*) [*f*] * * * *

(*f*) [(*g*)] * * * *

(*g*) [(*h*)] * * * *

(*h*) [(*i*)] * * * *

(*i*) [(*j*)] * * * *

(*j*) [(*k*)] * * * *

[(*l*) as to the intermediate offices, if any, through which correspondence between municipal councils and the Government or Government officers shall pass ;]

(*k*) [(*m*)] * * * *

(*l*) *for the regulation of all matters connected with the grant of permission under section* 116 ;

(*m*) [(*n*)] * * * *

(3) * * * *

[(4) All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.]

(4) *The power of Government to make rules under this Regulation shall be subject to the condition of previous publication. All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and shall thereupon have effect as if enacted in this Regulation.*

CHAPTER XIII.

APPOINTMENT AND POWERS OF CHIEF AND OTHER MUNICIPAL OFFICERS.

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CHAPTER XIV.

MUNICIPAL COMMISSIONER, HIS POWERS AND DUTIES.

239. [237.] * * *

240. [238.] * * * Removal from office.

(2) * * *

[(3) The Government shall remove the Commissioner from office, if at a special meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal.]

(3) *The Municipal Commissioner shall be removable from office by the Government if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal.*

* * * *

245. [243.] A Municipal Commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the municipal council under the provisions of this Regulation :— Powers of municipal commissioners and limitations thereon.

(1) he shall, subject to the provisions of this regulation and save where it is otherwise expressly provided in this Regulation, perform and exercise the duties and powers of the President under clauses (*b*), (*d*), (*e*) [(*f*)] and (*g*) of sub-section (1) of section 24 ;

(2) he shall exercise all the powers specifically conferred on the chief officer by the provisions of this Regulation ; and

(3) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a municipal council under any of the provisions contained in the following sections or sub-sections, namely :—

Section 73,

Section 81, *except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees,*

* * * *

Provided as follows :—

(*a*) The powers conferred on the municipal council by or under the provisions contianed in section 83, section 106, section 107, section 110, *clause* (*b*) *of sub-section* (6) *of section* 115, sub-section (1) of section 128, section 134, sub-section (1) of section 137, and, in the case of a well, section 159, [158,] shall not be exercised by the Municipal Commissioner except subject to the general or special orders of the municipal council or, in the absence of such orders, with the previous approval of the municipal council ;

* * * *

Powers of municipal commissioner to appoint, grant leave, punish and dismiss.

248. [246.] (1) A Municipal Commissioner shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power without, the sanction of the municipal council—

(*a*) to appoint, subject to the rules for the time being in force, a fit person to any post under the municipal council, the monthly salary for which does not exceed [one hundred] *sixty* rupees, other than to the post of health officer, engineer, chief accountant, manager or auditor;

(*b*) to grant, subject to the rules for the time being in force, leave of absence to the holder of any post to which the municipal commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence;

(*c*) to fine, reduce, suspend or dismiss the holder of any post to which the municipal commissioner has power to appoint.

[Provided that no holder of a post the monthly salary for which exceeds fifty rupees, shall be dismissed by the municipal commissioner without the approval of the municipal council.]

(2) * * *

Order not subject to appeal except in certain cases.

249. [247.] No appeal shall lie to the municipal council in respect of any order passed or anything done by a municipal commissioner in the exercise of powers conferred upon him by or under the provisions of this Regulation except in the case of an order passed or anything done by him under any of the following provisions, namely:—

[(i) Sub-sections (1) and (2) of section 109 (ii) sub-section (1) of section 117 (iii) sub-section (1) of section 119 (iv) sub-section (1) of section 123 (v) sub-section (2) of section 153 (vi) section 154 (vii) section 180 (viii) section 181 (ix) clause (*b*) of sub-section (1) of section 186 and (x) clause (*c*) of sub-section (1) of section 246 in respect of an order of dismissal.]

(i) Sub-section (4) *of section* 107, *(ii) sub-sections* (1) *and* (2) *of section* 109, *(iii) clause* (*b*) *of sub-section* (6) *of section* 115, *(iv) sub-section* (1) *of section* 118, *(v) sub-section* (1) *of section* 120, *(vi) sub-section* (1) *of section* 124, *(vii) sub section* (2) *of section* 154, (, *(viii) section* 155, *(ix) section* 181, *(x) section* 182, *(xi) clause* (*b*) *of sub-section* (1) *of section* 187, *(xii) section* 192, *(xiii) clause* (*c*) *of sub-section* (1) *of section* 248 *in respect of an order of dismissal.*

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SCHEDULE I.

Section 64, Clauses (i), (vi) to (x) and (xiii).

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP TAX.

	Taxes	Maximum rate per year
A.	Rate on buildings or lands or both.	
A.	* *	* * *
B.	* * *	* *
C.	Special sanitary cess	Rates that may be notified by the Government from time to time.
D.	General sanitary cess	Do do
E.	Water rate or water rates ..	[Do do] *Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.*
	* * *	* * *

SCHEDULE II.

[*Section 61, Clauses (iv) and (v).*]

MAXIMUM RATES OF OCTROI AND TERMINAL TAX.

	Taxes	Maximum rates
A.	Octroi.—	Rs. a. p.
	Class I.—Artocles of food or drink for men or animals.	
	Cocoanuts, fresh	0 0 1 each.
	Cocoanuts, dry	0 8 0 per maund of 960 tolas.
	Betel-leaves	[0 0 2]
		0 0 1 per bundle of 100 leaves.]
	* * *	* * *

WD 830—GPB—Mono—30—27-10-32

PROCEEDINGS of the SELECT COMMITTEE appointed to consider the Mysore City Municipalities Bill.

The Committee met on the 22nd, 23rd and 24th September 1932.

Messrs N. Madhava Rao and R.Ranga Rao were not present on the first day. Messrs H.C. Dasappa and D.H. Chandrasekharaiah were not present on the third day.

Clause 4.- We consider it expedient to provide a sub clause for the vesting of property etc of municipal councils which have ceased to exist in the Government as has been provided for in the Town Municipalities Bill. We have accordingly added the following as sub clause 4:-

Property and rights of municipal council which has ceased to exist to vest in Government.

" (4) When any local area ceases to be a city municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction".

Clause (5) (3).- We consider that if a town municipality is constituted as a city municipality bye-laws in force in such municipalities should also continue to have force therein as well as notifications, orders, rules, etc and consequently after the word "rule" in each of the three places where it occurs in the sub-clause, the word "bye-law" is inserted.

Clause (9).- Mr. H.C. Dasappa suggested that municipal councils should not contain any nominated members and that all the members should be elected. This was ruled out by the Chairman as being a matter beyond the scope of the Select Committee.

Clause (9) (2).- We decided by a small majority that the elected element in the composition of municipal councils need

need not be less than four-fifths. Accordingly, in each of the two places where the words "two-thirds" occurs, the words "four-fifths" are substituted.

Clause (9) (4).- Mr. H.C. Dasappa suggested that there should be no nominations of officials to municipal councils. This was ruled out by the Chairman as a matter which was beyond the scope of the Select Committee.

In order however to provide for a possibility of having a fully elected element it was decided to add a sub-clause on the lines of the Bombay Act. The clause runs as follows:-

" (4) Notwithstanding anything contained in sub-sections (1), (2) and (3) above, the Government may direct that all the councillors shall be elected".

Clause (12) (1).- We consider that persons who have accepted employment as legal practitioners against a municipal council and those that are employed as paid legal practitioner on behalf of a municipal council should as provided in the Madras Act be disqualified to be councillors of such municipal council. Accordingly the following has been added after para (f) the word "or" being added at the end of the said para.

" (g) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council"

Consequent on this addition para (v) of proviso (c) of the sub-clause which provided for the exemption of legal practitioners from disqualification to be councillors has been omitted, the succeeding paras of the proviso being renumbered.

Clause (12) (2).- As regards the proviso in para (c) of the sub-clause disabling a member from continuing as a councillor if he departs beyond the limits of Mysore, we are of opinion that as it is difficult to ascertain the intention of the absentee member the proviso is unworkable in practice

practice and should be deleted. It is considered that the provision in para (e) is sufficient safeguard against continued absence, and that the para should be suitably amended so that the municipal council shall not have power to grant leave in case of absence exceeding six successive months. Accordingly para (c) of the sub-clause has been omitted, the subsequent paras being renumbered and para (e) has been recast as follows:-

" (d) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or"

We consider that all persons who are disabled by the provisions of this sub-section should be eligible for re-election or re-appointment when the disability has ceased. Accordingly the words, letters and brackets "clauses (a) to (d) and (f)" in the last para of this sub-section are deleted.

Clause (22) (4).- We consider that the Vice-Presidents should always be elected and accordingly, the proviso of the sub-clause has been omitted.

Clause (22) (8) and (14).- Consequent on the above change the words "appointment or" in the last line but one and the words "as the case may be" in the last line of clause 22 (8), and the words "or Vice-President" in the last line of clause 22 (14) are omitted.

Clause 22 (11).- We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause para (b) is omitted, and further necessary verbal changes are made.

Clause 22 (12).- We are of opinion that Government should have the power to limit to one year the term of not only elected presidents but also vice-presidents. The proviso to

to the sub-clause has been recast as follows:-

" Provided that in the case of elected presidents or Vice-Presidents or both the Government may in special cases, with the consent of the municipal council concerned, direct that their term be limited to one year and that elections therefor be held every year".

Clause 23.- This has been transferred next after clause 21 with the heading "Municipal Government" and numbered as clause 22, the said clause being numbered as clause 23. The heading of the sub-chapter occurring after clause 21 namely, "Presidents and vice-presidents" has been numbered "(6)".

Clause 24(3).- It was considered expedient that all correspondence between the municipal council and the Government should be through the President and consequently the word "official" was deleted from this clause.

Clause 27(14).- In order to make it clear that the resolution which is passed must have the support of at least half the whole number of members, the sub-clause is amended by substituting the word "passed" for "supported", and omitting the words "and passed".

CHAPTER XIII.

Mr. H.C. Dasappa suggested that all municipalities should have only Commissioners and that the provision for Chief Officers was unnecessary. This was not approved.

CHAPTER XIV.

Clause 238 (3).- The sub-clause was recast as follows:-

" The Commissioner shall be removable from office by the Government if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal."

Clause 242.- We consider that the President should have power to require the Municipal Commissioner to produce references etc when necessary even under circumstances and we have accordingly added the following as sub-clause (3):-

" (3) The Municipal Commissioner shall comply without unreasonable delay with any requisitions of the President for any information appertaining to the municipal administration".

Clause 243(1).- Omit (f) in this sub-clause.

Clause 243(3).- After the words and figure "section 81" add the words ~~xxxx

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Clause 243(1).- Omit (f) in this sub-clause.

Clause 243(3).- After the words and figure "section 81" add the words ~~and figures "section 115,"~~ except in cases where the amount to be remitted or refunded exceeds Rs.250," and after the words and figures " Section 110" add the words and figures " Sub-section (6) (b) of section 115,".

Clause 246 (1).- We consider that the power of the Commissioner to appoint persons may be limited to posts carrying a monthly salary not exceeding Rs.60/- and we have accordingly substituted the word "sixty" for the words "One hundred" and deleted the proviso.

Clause 247.- We have added the words and ~~figures~~ figures "section 191" after the word and figures "section 186".

CHAPTER XII

Clause 219(1).- We have recast this sub-clause as follows:-

" (1) The Government after consulting the municipal council may direct that such public words as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as it may specify".

NOTE BY MR. P. SUBBARAMA CHETTY.

I am constrained to append my dissenting note to the majority report of the Committee. The object of the Government in introducing the bill is in furtherance of the policy enunciated time and again of enlarging the powers and functions of the Council and of associating the representatives of the people with the management of the local self governing institutions. The present Act was modelled on the Bombay District Municipalities Act and was common for the City, town and minor municipalities. The present bills are an improvement in the right direction in that different municipalities are to be vested with various degrees of powers according to their importance and size. In this way, we follow the legislative changes effected in Bombay. In Bombay, in addition to the District Municipalities Act, provision has been made for the bigger type of cities by enacting what is known as the Bombay Municipal Boroughs Act. These two enactments are apart from the special enactment the City of Bombay Municipalities Act applicable for Bombay.

The Bombay Municipalities Boroughs Act seeks to legislate for cities of the size and importance of Bangalore and Mysore. The bill now proposed for the City Municipalities seeks to include within its purview not only cities of the size of the Bombay Borough but also cities of the size of the District Municipal Units of the Bombay Presidency. Thus, the cities proper are deprived of a large measure of freedom.

Under the Bill, three Municipal Authorities are constituted for carrying on the executive functions of the Municipal Council. Chapter XIV deals with the Municipal Commissioner, his powers and duties while Chapter XIII deals with the powers of the Chief Officer. Neither the size nor the importance of any of the cities justify the appointment of a Commissioner in lieuof a Chief Officer. In the

the Bombay Boroughs Act there is no functionary like the Municipal Commissioner. In 1914, the Bombay District Municipalitees Act was amended to make provision for the appointment of a Municipal Commissioner in the discretion of the Government in case of cities with over a lakh of inhabitants. There was keen criticism against such a provision as it was considered that the appointment of a costly executive officer practically irremoveable and irresponsible was a retrograde innovation into an otherwise liberal measure. The same must be said of the present bill. In the Bombay Presidency, the enabling provision was never put into operation. In the Bangalore City Municipality where the commissioner has been functioning for several years, it is found in practice that the criticism offered when the 1914 Bombay Amendment was made, is more than justified. Time and again the Council has asked for the abolition of the Office of the Municipal Commissioner. The smooth working of the Municipal Administration has been rendered difficult by the constant assertion by the Municipal Commissioner that he has statutory powers which he can with impunity exercise without reference to the Council. When the bill was first introduced there was keen opposition to t h e retention of the functionary. The non-official members were assured that the bill as a whole would be examined in the Select Committee. I was ruled out by the Chairman of the Select Committee that I could not move for the deletion of the Chapter relating to the Municipal Commissioner. The only course left open to me is to record in my minute of dissent that Chapter 14 relating to the Municipal Commissioner, his appointment and powers has to be entirely deleted, along with other references to the Municipal Commissioner in other parts of the Bill. My reasons bear on constitutional and financial view points.

Constitutionally viewing, an executive----------

an Executive Officer appointed without reference to the Council, enjoying powers independent of any delegation by the Council and irremoveable except by a two-third vote of the Council, will always be an anomaly in a Local Self Governing Institution. The Bombay Boroughs Act has made away with such a provision, which as I have said before existed as an amendment to the Bombay District Municipalities Act.

Financially, so long as the Council has not the choice of fixing the pay and emoluments of such a functionary, it will be a serious strain on the Council's resources. In practice, in spite of repeated representations by the Council, an officer of the status of a Deputy Commissioner is being appointed, irrespective of the financial considerations of the Council on the specious plea that an officer who enjoys large powers quite apart from the Council, should be of a high status not amenable to temptations. In proportion as such an Officer is appointed, the opportunities for non-officials to actively associate themselves with the administration of theCouncil will be limited. The training ground for non-officials to become good administrators in higher walks of life is thus lost. I suggest, therefore, that on the model of theBombay Boroughs Act and as in the Town Municipalities Bill, the provision relating to the appointments of Chief Officer shall be retained.

The advantage gained will then be immense as (1) the appointment of such an Officer will rest with the Municipality, and (2) as he will act in the financial and Executive Administration of the Municipality subject to the general control of the President who being invariably elected from the Council, will act between the Council and the Executive Officers, holding the balance even. As under the Bombay Boroughs Act the statute should fix the qualification that a Chief Officer shall either be a graduate of a recognised university or a qualified Engineer, Vide (Section 33 of the Bombay Boroughs Act). In addition to the provision for his removal by a

two-third vote of the house, provision should be made for the Government to veto the continuance in office of any person holding the appointment of a Chief Officer on the resolution passed by a majority of the Councillors at a special general meeting called for the purpose. In the alternative, a provision similar to that proposed for the removal of the President will have to be made.

Similarly, as under the Bombay Boroughs Act, the Council should enjoy the power without reference to Government of appointing its own Health Officers and Engineers. I would suggest, therefore, that these proposals should be suitably incorporated in Chapter 13.

As a second alternative to the above, if a Commissioner is found necessary, I would suggest the following:--

(1) He may be appointed by the Council with the approval of the Government.

(2) As suggested above, in addition to the provision for his compulsory removal by a two-thirds vote of the house, provision shall be made for his removal in the discretion of the Government, by a majority vote or for his removal as in the case of the President by a majority vote at 2 successive meetings.

(3) Provision shall also be made for retaining the general control of the Council by making it obligatory that the Commissioner in the exercise of his powers of the financial and executive administration of the Municipality shall perform the same subject to the general control of the Council.

Next, the bill makes provision for exercise of the Executive functions of the Council by various Committees subject to the powers of the Commissioner. The Managing Committee is parallel to what are in most Municipalities described as Standing Committees. The existence of Committees as a

medium, in the administration of the Council is at once salutory and useful. The Municipal Council being a large body cannot in practive take any active part in its Executive Administration. As however, the executive administration is as much the main concern of the council as any other, the Committee being a smaller body of the Council itself can actively participate in the executive administration. They will be a fully responsible body and it would be a distinct financial gain to the council, as non-official gentlemen would be able to transact much of what would ordinarily devolve on permanent officials. The Standing or the Managing Committee as the name itself suggests should exercise the general control over the permanent officials of the Municipality. Invariably, the Commissioner or the Chief Officer should exercise all their powers subject to their scrutiny and as under the Bombay Boroughs Act it should be made incumbent on the Chief Executive Officer to report to such committee all cases of fraud, embezzlement, theft or loss of Municipal money or property. Similarly, the Chief Executive Officer before delegating any of his powers or duties to any Municipal Officer or servant should do the same with the sanction of the Standing Committee, with the proviso that such delegation shall be subject to such limitationas as may be prescribed by the Standing Committee (Vide Cl.h. to sub-section (1) to Sec. 34 and Cl.c. of sub-section (2)) The Standing Committee should also be empowered as under the Bombay Boroughs Act to hear Appeals in respect of any punishment other than fine not exceeding one week's salary.

The third functionary is the President. It is not enough to entrust the Chief Spokesman of theCouncil, only such executive functions as may be delegated by the Council. In the case of Municipalities where the Commissioner is appointed provision must be made for the following:-

The Budget before it is placed before the Council should invariably be placed before the President for his consideration. The Council being ultimately responsible for the shaping of the policy of the Municipal Administration has necessarily to depend on its President to give them concrete proposals affecting the policy of the administratic from year to year independent of the proposals of the Executive Officers, affecting the day to day administration.

As under the Bombay Boroughs Act, it should be made obligatory that a report should be made to the President of irregularities pointe out by the auditors and of fraud, embezzlement, theft or loss of municipal money and property.

It should be made obligatory on the President to inspect the offices under the control of the Municipal Council and to send reports of such inspections at least once a year.

From the above, it follows that the President should invariably be elected and not nominated or appointed.

In any event the provision for removal should be the same in the case of such nominated or official Presidents as in the case of the eledcted. It is in view of this that in all the British Indian Municipal enactments, provision has been made uniformly for elected Presidents only. It is a negation of local self-government to have a President who is one that is not elected.

This minimum we should also incorporate in what is claimed to be a progressive measure. I therefore suggest that the provision for nomination or for appointment of an ex officio President be deleted.

If local self-government institutions should be fostered, there must be less suspicion and greater confidence. This is best achieved by as little interference as possible until in the uhtimate resort in cases of grave misconduct or persistent default in the duties of the Council. Viewed from this aspect, the worst features of the

bill

bill are to be found in the Chapter relating to control.

The eminent authors of the Montagu-Chelmsford report have observed that "there should be as far as possible complete popular control in the local bodies and the largest possible independence for them of outside control."

The sections under the Chapter relating to control do not in any manner further this objective.

Viewed from the above objective, the Government ought not to think of interfering in any of the affairs of the Municipal Council, unless it be on the ground of incompetency, default or abuse of powers for which ample provision is made in the bill under clause 224. This ought to be so, particularly in view of the fact that either the Government or the rate-payers can take action against the councillors personally for loss, waste or misappropriation of any money or property of any municipal council (Vide sub-clause 2 to clause 44 of the Bill). This liability it must be remembered is more stringent than the liability imposed on the executive officers in whose case, it will be incurred only if the loss is consequent on their neglect or misconduct. Further, even in the view that there must be an authority to control, I am of opinion that the powers of supervision and inspection should not be given to the Deputy Commissioner, and clauses a, b and c to clause 215 may well be omitted, the requisite powers of control being provided in clause 216. Clause 216 may be retained providing for a reference as in the Income Tax Regulation of a case to the High Court.

Clause 217 virtually constitutes the Deputy Commissioner, the supreme authority over the actions and resolutions of the Municipal Council. I am of opinion that the same should not be retained by the Deputy Commissioner and if any authority should be constituted the District Magistrate may be empowered so as to attract the revisional powers of the District and Sessions Judge of the High Court. In any event, it is not justificable that even the

the the District Magistrate should be given powers of interference in cases other than those involving a breach of the peace or nuisance or actions involving injury or annoyance to the public. In this view he should not be permitted to pronounce a judgment however temporary in character on the lawful nature or otherwise of the proceedings of a Municipal Council. Any analogy to the existing similar provisions under the Bombay Boroughs Act is not helpful as the power of revision vested in Government under the corresponding Sections S.214 will be exercised by a Minister who is at the head of Local self-government Department and responsible to the legislature. In constitution like that of Mysore where there is no responsible government, the least that we can do is to insist on the watchful supervision of the superior courts in the land. The analogy fails on another ground. The Collector or the Deputy Commissioner being superior to a Chief Officer who alone is contemplated under the Bombay Boroughs Act, they can well be expected to supervise his action. The same cannot be said of a constitution where a Municipality employs a Commissioner who is himself of the status of a Deputy Commissioner.

There is no provision analogous to sub clause Nos.2 and 3 to clause 222 either in the Bombay Boroughs Act or the Bombay District Municipalities Act. The 1st clause may at least be defenced on the ground that in cases of proved extravagance, the Government should have the power to interfere. A perusal of clauses 2 and 3 leaves no room for doubt that the framers of the Bill are anxious to take away in one hand what is conceded in the other, for, these clauses give Government the power to interfere in the day to day administration of a Municipality. While such a provision diminishes the prestige of the Council, it will also result in practice, to constant irritations which will lead to a diminution of respect to Government. It is also significant that the marginal note to the clause is discreetly silent as regards the extraordinary nature of these powers.

The other equally objectionable part of the bill consists in

in the provision relating to the power which the Government wish to retain to execute public works in certain cases and to recover the cost thereof. On principle, Government ought not to execute any public works which are the concern of the Municipality. There is no such provision under the Bombay Boroughs Act. Even if it be conceded that in emergencies such a power should be reserved, it should be made quite clear that in the exercise of it, it should be subject to the ordinary incidents of a contract, viz., that no payments shall be made unless the work executed is for the benefit of the party. In practice, the only way to measure the benefit by the retention of a clause that such work shall be done with the consent of the council and not merely with the consultation of the Council. It is significant that in the Madras District Municipalities Act, the word used is consent and not consultation (Vide Section 39 clause 3) of the Madras District Municipalities Act).

By far, the worst provision in this respect from every point of view is that contained in sub clause 3 to clause 220, where the Government seek to take away moneys for a work already undertaken. If the Government is entitled to any money from the concerned councils in respect of the work carried out for water supply to the cities of Bangalore, Mysore, the only way is to have recourse to a court of law and establish their claim. To substitute therefor a legislative provision is to ignore the fundamental rights of parties and to diminish the dignity of the courts constituted in the land. This clause should therefore be deleted, as also the other clauses referred to above.

I have in the above note made repeated use of the provisions in the Bombay Boroughs Act. I should not, however, be understood that the provisions in the other Municipal enactments approach anywhere near the present Bill as they are of a more liberal character. I have with purpose referred to the Bombay Act as we have been following in the series of Municipal enactments in the State the Legislative changes in the Bombay Presidency and I claim therefore that the present enactment must at least go as far as the Boroughs Act.

Report of the Select Committee appointed to consider the Mysore City Municipalities Bill.

We, the undersigned members of the Select Committee, to which the Mysore City Municipalities Bill was referred, have considered the Bill at the meetings held on the 22nd, 23rd, and 24th September and the 7th and 8th October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal, have been indicated in the clauses of the Bill.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if these clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the original Bill :-

Note :- Figures in square brackets show the numbering of clauses in the original Bill.

Clause 4.- We consider it expedient to provide a sub-clause for the vesting in the Government of property etc., of Municipal Councils which have ceased to exist as provided for in the Town Municipalities Bill. We have accord

accordingly added the following as sub-clause (4) :-

Property and rights Municipal Council which has ceased to exist to vest in Government.

"(4) When any local area ceases to be a City Municipality, the Municipal Council constituted therein shall cease to exist and the property and rights vested in any such municipal Council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such Municipal Council had jurisdiction."

Clause 5 (3).- We consider that if a Town Municipality is constituted as a City Municipality, by-laws in force in such municipalities should also continue to have force therein as well as notifications, orders, rules, etc., and consequently after the word "rule" in each of the three places where it occurs in the sub-clause, the word "by-law" is inserted.

Clause 9 (2).- We decided by a small majority that the elected element in the composition of Municipal Councils should not be less than four-fifths. Accordingly, in each of the two places where the words "two-thirds" occured the words "four-fifths" are substituted.

Clause 9 (3).- In order, to provide for a possibility of having a fully elected element, it was decided to add a sub-clause on the lines of the Bombay City Municipalities Act as fllows the existing sub-clause (3) being re-numbered as (4) :-

" (3) Notwithstanding anything contained in sub-

sub-sections (1) and (2) above, the Government may direct that all the councillors shall be -- elected".

Clause 12 (1).- We consider that persons who have accepted employment as legal practitioners against a municipal council and those that are employed as paid legal practititioners on behalf of a municipal council should as provided in the Madras Act be disqualified to be councillors of such municipal council. Accordingly the following has been added after para (f), the word "or" being added at the end of the said para.

"(g) who is employed as paid legal practitioner on behalf of a municipal council or accept employment as legal practitioner against a Municipal Council".

Consequent on this addition para (v) of proviso (c) of the sub-clause which provided for the exemption of legal practitioners from disqualification to be councillors has been omitted, the succeeding paras of the proviso being renumbered.

Clause 12 (2).- As regards the provision in para (c) of the sub-clause disabling a member from continuing as a councillor if he departs beyond the limits of Mysore, we are of opinion that as it is difficult to ascertain the intention of the absentee member, the provision is unworkable in practice and should be deleted. It is considered that the provision in para (e) is a sufficient safeguard against continued absence, and that the para should be suitably amended so that the Muni-

Municipal Council shall not have power to grant leave in case of absence exceeding six successive months. Accordingly para (c) of the sub-clause has been omitted, the subsequent paras being renumbered and para (e) has been recast as follows :-

"(d) not being a salaried servant of the Government absents himself from the meetings of the Municipal Council during four successive months except with the leave of the municipal council provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or"

We consider that all persons who are disabled by the provisions of this sub-section should be eligible for re-election or re-appointment when the disability has ceased. Accordingly the words, letters and brackets "clauses (a) to (d) and (f) of" in the last para of this sub-section are deleted.

Clause 22 (23).- This has been transferred next after clause 21 with the heading "(5) Municipal Government" and numbered as clause 22, the original clause 22 being numbered as clause 23.

Clause 23.- The heading of the sub-chapter to original clause 22 numbered as clause (23) viz., "Presidents and Vice-Presidents" has been numbered "(6)".

The paras of the sub-clause are rearranged so that para (d) may come first and then para (c) followed by paras (a) and (b).

Clause23 (22) (4).- We consider that the Vice-Presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 23 (22) (8) and (14).- Consequent on the above change the words "appointment or" in the last line but one and the words "as the case may be" in the last line of clause 23 (22) (8), and the words "or Vice President" in the last line of clause 23 (22) (14) are omitted.

Clause 23 (22) (11).- We consider that attachment of property by itself should not constitute a reason for removal of presidents and Vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted, and further necessary verabl changes are made.

Clause 23 (22) (12).- We are of opinion that the Government should have the power to limit to one year the term of not only elected presidents but also vice-presidents. The proviso to the sub-clause has been recast as follows :-

"Provided that in the case of elected presidents or Vice-Presidents or both the Government may in special cases, with the consent of the Municipal Council concerned, direct that their term be limited to one year and that elections therefor be held every year"

Clause 24 (3).- It was considered expedient

ex-pedient that all correspondence between the municipal Council and the Government should be through the president and consequently the word "official" was deleted from this clause.

Clause 27 (14).- In order to make it clear that the resolution which is passed must have the support of at least one-half the whole number of members, the sub-clause is amended by substituting the word "passed" for "supported" and omitting the words "and passed"

Clause 29 (3).- We consider it expedient to give a right of appeal to the president from the orders of the municipal commissioner in cases of refusal to give access to municipal records and accordingly, the following is added at the end of the sub-clause :

"The councillor may appeal from the order of the Municipal Commissioner to the president whose decision shall be final"

Clause 29 (4).- We consider that the president should have free access to all the xxxx records when there is a municipal commissioner and that the municipal commissioner should --- comply with all requisitions of the president for information appertaining to municipal administration. The following sub-clause is added after sub-clause (3) :-

"(4) In a municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipality and the municipal commissioner shall

shall comply, without unreasonable delay, with any requisition of the president for any information appertaining to the municipal administration"

Clause 36 (4).- The words and number "kept under sub-section (9) of Section 27" at the end of the sub-clause are deleted as being unnecessary

Clause 44 (2).- The words "municipal commissioner" are substituted for the words "Chief Executive Officer" In order that the liability of the officers of the Municipality due to their misconduct may be similar to that of the members, the words "has been caused or facilitated by his" are inserted before the last word "misconduct"

Clause 49.(b).- We consider that the Municipal council should have the power to make rules to determine the staff to be employed, their duties, salaries etc.. We have therefore inserted as para (ii) of this sub-clause the following provision similar to section 46 (b) (ii) in the present Regulation :-

"(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such -- officers and servants, and the powers and duties delegated to them under section 38"

Clause 53 (2).- We consider that para (a) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are

are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipality is concerned. Accordingly the words "and public buildings of any description" in para (a) are omitted and the words "and buildings" are inserted after the words "all land" in para (e).

Clause 55.- We consider that this clause is too cumbersome and have replaced it by the following :-

Municipal property and fund how to be applied.

"55. The municipal fund and all property held by or vested in the municipal council -- under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 58, 59 and 61 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests."

Clause 61 (s).- The words "one-half" are substituted for the words "two-thirds".

Clause 61 (u).- We consider that the advancement of the economic condition of the inhabitants should also be a discretionary function of the municipal council. Accordingly the words "the advancement of the economic condition of the inhabitants or" are inserted after the words "public health, safety or con-

or convenience or"

In this sub-clause also, the words "one-half" are substituted for the words "two third

Clause 64 (ix).- The majority of us, are of opinion that the water rate should not be fixed at a very high rate, but should be such that it is reasonable considering the expenses incurred for providing the water supply. Accordingly, the following has been inserted in column 2 of Schedule I against item D "Water rate or water rates:

"Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply:

Clause 72.- We consider that from the orders of the municipal commissioner acting as revising authority, there should be an -- appeal to the managing committee and that its decision should not be liable to revision by or be appealable to the municipal council. We have accordingly inserted after sub-clause (4) the following sub-~~clause~~ clause, the succeeding sub-clause being re-numbered :-

"(5). From every order of the Municipal commissioner under sub-section (4), there shall be an appeal in accordance with the rules to be framed by the municipal council in this

behalf

behalf to the managing committee whose decision shall be final, notwithstanding anythir contained in sub-section (2) of section 37."

Consequent on the insertion of the abo sub-clause, sub-clause (5) has been re-cast as shown below, sub-clauses (6) and (7) being re-numbered :-

"(6) When all objections made under this section and appears under sub-section (5) have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority."

Clause 73 (1).- As the revising authority may become functus officio after the revision work is completed, it will be the function of the municipal council to amend the assessment list as occasion arises subsequently. The words "municipal council" have therefore been substituted for the word "revising authority".

Clause 83 (5).- We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted sub-clause (6) being renumbered as (5) and the word and figures "(4) and (5)" therein being altered into " and (4)".

Clause 89 (2).- The words "on conviction by a magistrate" are inserted between the word "shall" and "be" in order to make it clear that the fine should be imposed only by a magistrate.

Clause 94 (1).- We consider that the forming of tolls should be annual and have inserted the words "annually" after the words "to lease".

Clause 106 (104).- This has been transferred next after existing clause 106, existing clauses 105 and 106 being numbered as 104 and 105 respectively.

Clause 109 (1).- For the words "either as existing or as determined upon for the future" the words "as prescribed under section 108" are substituted to make the meaning clear.

Clause 115 (5).- The last sentence of the sub-clause is omitted as unnecessary.

Clause 116.- We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas it is not in the public interest. A new clause as follows has therefore been inserted as clause 116 after clause 115, and penalty is also provided for infringement of such prohibitory order, the subsequent clauses being suitably renumbered :-

Power of Government to prohibit the erection of buildings in certain area without permission.

"116. (1) Notwithstanding anything contained in section 115, the Government may in the public interest

interest and after consulting the municipal council prohibit by notification published in the official gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf:

Provided that such permission shall not be refused in the case of land which had been set apart as a building site by the Government or the municipal council prior to the publication of such notification;

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by it in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) of the conditions imposed under sub-section (2)".

Clause 168 (167) (3).- We consider that a license should be obtained for burning bricks in all cases and consequently the words" for other than trade purposes" have been deleted in the sub-clause as also in the marginal heading.

Clause 168 (167) (3).- The words "for a period not exceeding one year at a time" have been inserted after the word "lease".

Clause 179 (178 (2) (c).- We consider th the appeal from the order of the municipal council prohibiting erection of buildings in overcroweded areas should lie to an office who may be empowered by the Government in this behalf and not always to the Deputy Commissioner, and we have accordingly substitute the words 'an officer who may be empowered by the Government in this behalf and for the wor 'the Deputy Commissioner'

Clause 185 (184 .- It was suggested by M. H.C. Dasappa, that the manner of service of notices which give directions disobedience whereof would be an offence under this Regulation should be more formal than provided for here, and should be in accordance with the provisions of the Civil Procedure Code. T h Committee considered the suggestion, but fina ly decided against it as the procedure under the Civil Procedure Code would be somewhat complicated.

Clause 192 (191).- For the sake of clea ness the words "by this Regulation" have been omitted and the words "by any person under this chapter" have been inserted after the words "directed to be paid"

Clause 203 (202).- We consider that the limitation that the balance of the municipal fund should not fall below a certain minimum

minimum at all times will be unworkable and hamper the municipal council. Hence the words "and the balance of the municipal fund does not fall below a sum which the Government may, from time to time, fix on this behalf generally for all municipalities or specially for any municipality" have been deleted.

Clause 204 (203)(3) (d).- As a change consequential on the above alteration, the words "such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality" have been substituted for the words "the sum fixed under sub-section (1) of Section 202".

Clause 205 (204).- The marginal heading "Revision of budget is inserted.

In para (b) for the words and figures "sub-section (1) of section 202" the words, letter, figures and brackets "clause (d) of subsection (3) of section 204" are substituted

Clause 207 (206) (1).- For the words "a Government auditor", the words "an auditor appointed by the Government" are substituted.

Clause 207 (206) (2).- For the words "or if the auditor is a Government auditor, then" the words "and in the case of a Government auditor" are substituted.

Clause 212 (211).- We consider that it

will

will be more convenient and expeditious to recover these amounts through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in thesame way as an amount decreed by the Court" the words "by the Deputy Commissioner as an arrear of land revenue" are substituted.

Clause 215 (214) (2).- This sub-clause is recast as follows :-

"(2) In a municipality for which there is a municipal commissioner, the municipal commissioner, and in other municipalities, the president, shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon".

Clause 215 (214) (3).- For the word "shall" the word "may" is substituted.

Clause 220 (219) (1).- We have recast this sub-clause as follows :-

"The Government after consulting the municipal council may direct that such public ~~work~~ works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify".

Clause 221 (220) (1).- We consider that

that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the works should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly we have inserted the words " after consulting the municipal council" after the words "at any time" and deleted the words "convenience or" in para (e), inserting the word "or" before the word "safety".

Clause 225.- We consider that the Government should have the power in case of default by a municipal council to pay its dues to the Government to direct the person having custody of the municipal --- funds to pay to the Government such amounts due in priority to any other charge. A clause as follows has been added after the present clause 223, the subsequent clauses being renumbered.

Power to Government to direct person in custody of municipal funds to pay Government dues.

"225. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such funds and such person shall, so far as the funds

funds to the credit of the Municipal council admit, be bound to comply with such order."

Clause.-226 (224).- We consider it desirable thatGovernment should also have been power to dissolve a municipal council in cases of incompetency, as this may in some cases be a sufficient remedy being less drastic than supersession. Accordingly the following amendments are made in the clause :-

(ii) (a) In sub-clause (i).- For the words "If in the opinion of the Government" the words" If after such enquiry as the Government may consider necessary, the Government is of opinion that" are substituted. After the words "as the case may be and" the words "may dissolve such municipal council or" are inserted.

(b) In line 1 of sub-clause (2) between the words "so" and "superseded" the words " dissolved or" are inserted.

(c) In sub-clause 2 (a) for the words "as from the date of the order" the words "in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession" are inserted.

(d) In sub-clause (2) (b) and sub-clause (2) (c) after the word "period" the words "between dissolution and reconstitution or" are inserted.

(e) The following is inserted after sub-clause (2) as sub-clause (3), sub-clause (3) being re-numbered and sub-clause (4) being deleted.

"(3) On the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted -

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be"

Clause 228 (226) (2).- Consequent on the amendment of clause 49 (b) which we have made, power to make rules in special matters specified in that clause relating to staff of officers, etc., is provided by inserting in para (e) of the sub-clause the letter and brackets" (b)" between the words "clauses" and the letter and brackets"(c)", and para (e) of the sub-clause (e) is omitted.

Para (h) of the sub-clause relating to intermediate offices through which correspondence between municipal councils and the Government or the Government Officers may be etc. is considered unnecessary and

We consider that Government should have power to make rules in respect of all matter connected with the grant of permission under clause 116 which we have newly inserted. The following para has therefore been added as pa re (m) of the sub-clause :-

"(m)" for the regulation of all matters connected with the grant of permission under section 116.

Clause 228 (226) (4).- We consider that rules under this Regulation should be made by the Government after previous publication and have re-cast the sub-clause as follows :-

"(4) The power of Government ~~xfkaxxpxxa-~~ ~~xkaaazpubkiaatiaaxaaa~~ to make rules under thi Regulation shall be subject to the condition of previous publication. All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and shall thereupon have effect as if enacted in this Regulation.

Clause 233 (231).- Mr. H.C. Dasappa sug gested that all Municipalities should have onl Commissioners and that the provision for Chie Officers was unnecessary. This was not approv ed.

Clause 240 (238 (3).- The sub-clause is recast as follows :-

"The municipal commissioner shall be re-
movable

removable from office by the Government, if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal.

Clause 245 (243) (1).- We consider that the President himself may furnish to Governmen copies of resolutions passed at the meetings of the municipal councils, and accordingly the letter and brackets "(f)" in the sub-clause are omitted.

Clause 245 (243) (3).- In consequence of the amendment made in clause 73, the word and figure "Section 73" are inserted above the word and figure "Section 81" in the sub-clause

With regard to the powers under section 81, we consider that the municipal commissione may sanction remissions and refunds up to two hundred and fifty rupees only and we have -- inserted the words "except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees" after the word and figure "section 81" in the sub-clause.

Clause 245 (243) (3).- Proviso (a). We consider that in cases falling under section 115 (6) (b) also the municipal commissioner should act subject to the general or special orders of the municipal council and accordingly after the word and figure "section 110" the words, figures, letter and brackets sub-section (6) (b) of section 115" are inserted.

Report of the Select Committee appointed to consider the Mysore City Municipalities Bill.

We, the undersigned members of the Select Committee, to which the Mysore City Municipalities Bill was referred, have considered the Bill at the meetings held on the 22nd, 23rd, and 24th September and the 7th and 8th October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal, have been indicated in the clauses of the Bill.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if these clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the original Bill :-

Note :- Figures in square brackets show the numbering of clauses in the original Bill.

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accordingly added the following as sub-clause (4) :-

Property and rights Municipal Council which has ceased to exist to vest in Government.

"(4) When any local area ceases to be a City Municipality, the Municipal Council constituted therein shall cease to exist and the property and rights vested in any such municipal Council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such Municipal Council had jurisdiction."

Clause 5 (3).- We consider that if a Town Municipality is constituted as a City Municipality, by-laws in force in such municipalities should also continue to have force therein as well as notifications, orders, rules, etc., and consequently after the word "rule" in each of the three places where it occurs in the sub-clause, the word "by-law" is inserted.

Clause 9 (2).- We decided by a small majority that the elected element in the composition of Municipal Councils should not be less than four-fifths. Accordingly, in each of the two places where the words "two-thirds" occured the words "four-fifths" are substituted.

Clause 9 (3).- In order, to provide for a possibility of having a fully elected element it was decided to add a sub-clause on the lines of the Bombay City Municipalities Act as fllows the existing sub-clause (3) being re-numbered as (4) :-

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sub-sections (1) and (2) above, the Government may direct that all the councillors shall be -- elected!

Clause 12 (1).- We consider that persons who have accepted employment as legal practitioners against a municipal council and those that are employed as paid legal practititioners on behalf of a municipal council should as provided in the Madras Act be disqualified to be councillors of such municipal council. Accordingly the following has been added after para (f), the word "or" being added at the end of the said para.

"(g) who is employed as paid legal practitioner on behalf of a municipal council or accept employment as legal practitioner against a Municipal Council"

Consequent on this addition para (v) of proviso (c) of the sub-clause which provided for the exemption of legal practitioners from disqualification to be councillors has been omitted, the succeeding paras of the proviso being renumbered.

Clause 12 (2).- As regards the provision in para (c) of the sub-clause disabling a member from continuing as a councillor if he departs beyond the limits of Mysore, we are of opinion that as it is difficult to ascertain the intention of the absentee member, the provision is unworkable in practice and should be deleted. It is considered that the provision in para (e) is a sufficient safeguerd against continued absence, and that the para should be suitably amended so that the Muni-

Municipal Council shall not have power to grant leave in case of absence exceeding six successive months. Accordingly para (c) of the sub-clause has been omitted, the subsequent paras being renumbered and para (e) has been recast as follows :-

"(d) not being a salaried servant of the Government absents himself from the meetings of the Municipal Council during four successive months except with the leave of the municipal council provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or"

We consider that all persons who are disabled by the provisions of this sub-section should be eligible for re-election or re-appointment when the disability has ceased. Accordingly the words, letters and brackets "clauses (a) to (d) and (f) of" in the last para of this sub-section are deleted.

Clause 22 (23).- This has been transferred next after clause 21 with the heading "(5) Municipal Government" and numbered as clause 22, the original clause 22 being numbered as clause 23.

Clause 23.- The heading of the sub-chapter to original clause 22 numbered as clause (23) viz., "Presidents and Vice-Presidents" has been numbered "(6)".

The paras of the sub-clause are rearranged so that para (d) may come first and then para (a) followed by paras (c) and (b).

Clause23 (22) (4).- We consider that the Vice-Presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 23 (22) (8) and (14).- Consequen on the above change the words "appointment or" in the last line but one and the words "as the case may be" in the last line of clause 23 (22) (8), and the words "or Vice President" in the last line of clause 23 (22) (14) are omitted.

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"Provided that in the case of elected presidents or Vice-Presidents or both the Government may in special cases, with the consent of the Municipal Council concerned, direct that their term be limited to one ye and that elections therefor be held every year"

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Clause 27 (14).- In order to make it clear that the resolution which is passed must have the support of at least one-half the whole number of members, the sub-clause is amended by substituting the word "passed" for "supported", and omitting the words "and passed".

Clause 29 (3).- We consider it expedient to give a right of appeal to the president from the orders of the municipal commissioner in cases of refusal to give access to municipal records and accordingly, the following is added at the end of the sub-clause :

"The councillor may appeal from the order of the Municipal Commissioner to the president whose decision shall be final".

Clause 29 (4).- We consider that the president should have free access to all the records when there is a municipal commissioner and that the municipal commissioner should --- comply with all requisitions of the president for information appertaining to municipal administration. The following sub-clause is added after sub-clause (3) :-

"(4) In a municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipality and the municipal commissioner shall

shall comply, without unreasonable delay, with any requisition of the president for any information appertaining to the municipal administration".

Clause 36 (4).- The words and number "kept under sub-section (9) of Section 27" at the end of the sub-clause are deleted as being unnecessary

Clause 44 (2).- The words "municipal commissioner" are substituted for the words "Chief Executive Officer". In order that the liability of the officers of the Municipality due to their misconduct may be similar to that of the members, the words "has been caused or facilitated by his" are inserted before the last word "misconduct".

Clause 49.(b).- We consider that the Municipal council should have the power to make rules to determine the staff to be employed, their duties, salaries etc., We have therefore inserted as para (ii) of this sub-clause the following provision similar to section 46 (b) (ii) in the present Regulation :-

"(ii) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 38".

Clause 53 (2).- We consider that para (a) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are

are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipality is concerned. Accordingly the words "and public buildings of any description" in para (a) are omitted and the words "and buildings" are inserted after the words "all land" in para (e).

Clause 55.- We consider that this clause is too cumbersome and have replaced it by the following :-

Municipal property and fund how to be applied.

"55. The municipal fund and all property held by or vested in the municipal council -- under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 58, 59 and 61 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests."

Clause 61 (s).- The words "one-half" are substituted for the words "two-thirds".

Clause 61 (u).- We consider that the advancement of the economic condition of the inhabitants should also be a discretionary function of the municipal council. Accordingly the words "the advancement of the economic condition of the inhabitants or" are inserted after the words "public health, safety or con-

or convenience or"

In this sub-clause also, the words "one-half" are substituted for the words "two third

Clause 64 (ix).- The majority of us, are of opinion that the water rate should not be fixed at a very high rate, but should be such that it is reasonable considering the expenses incurred for providing the water supply. Accordingly, the following has been inserted in column 2 of Schedule I against item D "Water rate or water rates"

"Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply"

Clause 72.- We consider that from the orders of the municipal commissioner acting as revising authority, there should be an -- appeal to the managing committee and that its decision should not be liable to revision by or be appealable to the municipal council. We have accordingly inserted after sub-clause (4) the following sub-clause. the succeeding sub-clause being re-numbered :-

"(5). From every order of the Municipal commissioner under sub-section (4), there sha be an appeal in accordance with the rules to be framed by the municipal council in this

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behalf to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of section 37."

Consequent on the insertion of the above sub-clause, sub-clause (5) has been re-cast as shown below, sub-clauses (6) and (7) being re-numbered :-

"(6) When all objections made under this section and appears under sub-section (5) have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority."

Clause 73 (1).- As the revising authority may become functus officio after the revision work is completed, it will be the function of the municipal council to amend the assessment list as occasion arises subsequently. The words "municipal council" have therefore been substituted for the words "revising authority".

Clause 83 (5).- We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted sub-clause (6) being renumbered as (5) and the word and figures "(4) and (5)" therein being altered into " and (4)".

Clause 89 (2).- The words "on conviction by a magistrate" are inserted between the words "shall" and "be" in order to make it clear that the fine should be imposed only by a magistrate.

Clause 94 (1).- We consider that the forming of tolls should be annual and have inserted the words "annually" after the words "to lease".

Clause 106 (104).- This has been transferred next after existing clause 106, existing clauses 105 and 106 being numbered as 104 and 105 respectively.

Clause 109 (1).- For the words "either as existing or as determined upon for the future" the words "as prescribed under section 108" are substituted to make the meaning clear.

Clause 115 (5).- The last sentence of the sub-clause is omitted as unnecessary.

Clause 116.- We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas it is not in the public interest. A new clause as follows has therefore been inserted as clause 116 after clause 115, and penalty is also provided for infringement of such prohibitory order, the subsequent clauses being suitably renumbered :-

Power of Government to prohibit the erection of buildings in certain area without permission.

"116. (1) Notwithstanding anything contained in section 115, the Government may in the public interest

interest and after consulting the municipal council prohibit by notification published in the official gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Provided that such permission shall not be refused in the case of land which had been set apart as a building site by the Government or the municipal council prior to the publication of such notification;

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by it in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) of the conditions imposed under sub-section (2)".

Clause 168 (167) (3).- We consider that license should be obtained for burning bricks in all cases and consequently the words" for other than trade purposes" have been deleted in the sub-clause as also in the marginal heading.

Clause 168 (167) (3).- The words "for a period not exceeding one year at a time" have been inserted after the word "lease".

Clause 179 (178 (2) (c).- We consider t the appeal from the order of the municipal council prohibiting erection of buildings in overcroweded areas should lie to an office who may be empowered by the Government in this behalf and not always to the Deputy Commissioner, and we have accordingly substitute the words "an officer who may be empowered by the Government in this behalf and for the wor "the Deputy Commissioner".

Clause 185 (184 .- It was suggested by Mr H.C. Dasappa, that the manner of service of notices which give directions disobedience whereof would be an offence under this Regulation should be more formal than provided for here, and should be in accordance with the provisions of the Civil Procedure Code. The Committee considered the suggestion, but finally decided against it as the procedure under the Civil Procedure Code would be somewhat complicated.

Clause 192 (191).- For the sake of clearness the words "by this Regulation" have been omitted and the words "by any person under -- this chapter" have been inserted after the words "directed to be paid".

Clause 203 (202).- We consider that the limitation that the balance of the municipal fund should not fall below a certain minimum

minimum at all times will be unworkable and hamper the municipal council. Hence the words "and the balance of the muhicipal fund does no fall below a sum which the Government may, fro time to time, fix on this behalf generally for all municipalities or specially for any municipality" have been deleted.

Clause 204 (203)(3) (d).- As a change consequential on the above alteration, the words "such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality" have been substituted for the words "the sum fixed under sub-section (1) of Section 202".

Clause 205 (204).- The marginal heading "Revision of budget is inserted.

In para (b) for the words and figures "sub-section (1) of section 202" the words, letter, figures and brackets "clause (d) of subsection (3) of section 204" are substituted

Clause 207 (206) (1).- For the words "a Government auditor", the words "an auditor appointed by the Government" are substituted.

Clause 207 (206) (2).- For the words "or if the auditor is a Government auditor, then" the words "and in the case of a Government auditor" are substituted.

Clause 212 (211).- We consider that it

will

will be more convenient and expeditious to recover these amounts through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in thesame way as an amount decreed by the Court" the words "by the Deputy Commissioner as an arrear of land revenue" are substituted.

Clause 215 (214) (2).- This sub-clause is recast as follows :-

"(2) In a municipality for which there is a municipal commissioner, the municipal commissioner, and in other municipalities, the president, shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon".

Clause 215 (214) (3).- For the word "shall" the word "may" is substituted.

Clause 220 (219) (1).- We have recast this sub-clause as follows :-

"The Government after consulting the municipal council may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify".

Clause 221 (220) (1).- We consider that

that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the works should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly we have inserted the words " after consulting the municipal council" after the words "at any time" and deleted the words "convenience or" in para (a), inserting the word "or" before the word "safety".

Clause 225.- We consider that the Government should have the power in case of default by a municipal council to pay its dues to the Government to direct the person having custody of the municipal --- funds to pay to the Government such amounts due in priority to any other charge. A clause as follows has been added after the present clause 223, the subsequent clauses being renumbered.

Power to Government to direct person in custody of municipal funds to pay Government dues.

"225. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund; and such person shall, so far as the funds

funds to the credit of the Municipal council admit, be Bound to comply with such order?

Clause.-226 (224).- We consider it desirable thatGovernment should also have been power to dissolve a municipal council in cases of incompetency, as this may in some cases be a sufficient remedy being less drastic than supersession. Accordingly the following amendments are made in the clause :-

(ii) (a) In sub-clause (i).- For the words "If in the opinion of the Government" the words" If after such enquiry as the Government may consider necessary, the Government is of opinion that" are substituted. After the words "as the case may be and" the words "may dissolve such municipal council or" are inserted.

(b) In line 1 of sub-clause (2) between the words "so" and "superseded" the words " dissolved or" are inserted.

(c) In sub-clause 2 (a) for the words "as from the date of the order" the words "in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession" are inserted.

(d) In sub-clause (2) (b) and sub-clause (2) (c) after the word "period" the words "between dissolution and reconstitution or" are inserted.

(e) The following is inserted after sub-clause (2) as sub-clause (3), sub-clause (3) being re-numbered and sub-clause (4) being deleted.

"(3) On the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted -

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be"

Clause 228 (226) (2).- Consequent on the amendment of clause 49 (b) which we hav made, power to make rules in special matter specified in that clause relating to staff of officers, etc., is provided by inserting in para (c) of the sub-clause the letter ar brackets" (b)" between the words "clauses" and the letter and brackets"(c)", and para (e) of the sub-clause (e) is omitted.

Para (h) of the sub-clause relating to intermediate offices through which correspondence between municipal councils and the Government or the Government Officers has to pass is considered unnecessary and deleted.

We consider that Government should have power to make rules in respect of all matter connected with the grant of permission under clause 116 which we have newly inserted. The following para has therefore been added as para (m) of the sub-clause :-

"(m)" for the regulation of all matters connected with the grant of permission under section 116.

Clause 228 (226) (4).- We consider that rules under this Regulation should be made by the Government after previous publication and have re-cast the sub-clause as follows :-

"(4) The power of Government ~~xkkaxxpaxa-xiaaaxpaxkiantiaaxxand~~ to make rules under this Regulation shall be subject to the condition of previous publication. All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and shall thereupon have effect as if enacted in this Regulation.

Clause 233 (231).- Mr. H.C. Dasappa suggested that all Municipalities should have on Commissioners and that the provision for Chief Officers was unnecessary. This was not approved.

Clause 240 (238 (3).- The sub-clause is recast as follows :-

"The municipal commissioner shall be removable

removable from office by the Government, if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal.

Clause 245 (243) (1).- We consider that the President himself may furnish to Governmen copies of resolutions passed at the meetings of the municipal councils, and accordingly the letter and brackets "(f)" in the sub-clause are omitted.

Clause 245 (243) (3).- In consequence of the amendment made in clause 73, the word and figure "Section 73" are inserted above the word and figure "Section 81" in the sub-clause

With regard to the powers under section 81, we consider that the municipal commissioner may sanction remissions and refunds up to two hundred and fifty rupees only and we have -- inserted the words "except in cases where the amount to be remitted or refunded exceeds two huhdred and fifty rupees" after the word and figure "section 81" in the sub-clause.

Clause 245 (243) (3).- Proviso (a). We consider that in cases felling under section 115 (6) (b) also the municipal commissioner should act subject to the general or special orders of the municipal council and accordingly after the word and figure "section 110" the words, figures, letter and brackets sub-section (6) (b) of section 115" are inserted.

DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE CITY MUNICIPALITIES BILL.

We, the undersigned members of the Select Committee, to which the Mysore City Municipalities Bill was referred, have considered the Bill at the meetings held on the 22nd, 23rd, and 24th September and the 7th and 8th October 1932, and have the honour to submit this our report with the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal, have been indicated in the Bill annexed thereto.

We consider that it is unnecessary to republish the entire Bill as amended and that it would be sufficient if those clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the original Bill :—

Note.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause (4).—We consider it expedient to provide a sub-clause for the vesting in the Government of property, etc., of municipal councils which have ceased to exist, as provided for in the Town Municipalities Bill. We have accordingly added the following as sub-clause (4):—

Property and rights of municipal council which has ceased to exist to vest in Government.

"(4) When any local area ceases to be a city municipality, the municipal council constituted therein shall cease to exist and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction."

Clause 5 (3).—We consider that if a town municipality is constituted as a city municipality, by-laws in force in such municipalities should also continue to have force therein as well as notifications, orders, rules, etc., and consequently after the word "rule" in each of the three places where it occurs in the sub-clause, the word "by-law" is inserted.

Clause 9 (2).—We decided by a small majority that the elected element in the composition of municipal councils should not be less than four-fifths. Accordingly, in each of the two places where the words "two-thirds" occurred, the words "four-fifths" are substituted.

Clause 9 (3).—In order to provide for a possibility of having a fully elected element it was decided to add a sub-clause on the lines of the Bombay City Municipalities Act as follows, the existing sub-clause (3) being re-numbered as (4):—

"(3) Notwithstanding anything contained in sub-sections (1) and (2) above, the Government may direct that all the councillors shall be elected."

Clause 12 (1).—We consider that persons who have accepted employment as legal practitioners against a municipal council and those that are employed as paid legal practitioners on behalf of a municipal council should, as provided in the Madras Act be disqualified to be councillors of such municipal council. Accordingly the following has been added after para (*f*), the word "or" being added at the end of the said para :—

"(*g*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council."

Consequent on this addition para (v) of proviso (*c*) of the sub-clause which provided for the exemption of legal practitioners from disqualification to be councillors has been omitted, the succeeding paras of the proviso being renumbered.

Clause 12 (2).—As regards the provision in para (*c*) of the sub-clause disabling a member from continuing as a councillor if he departs beyond the limits of Mysore, we are of opinion that as it is difficult to ascertain the intention of the absentee member, the provision is unworkable in practice and should be deleted. It is considered that the provision in para (*e*) is a sufficient safeguard against continued absence, and that the para should be suitably amended so that the municipal council shall not have power to grant leave in case of absence exceeding six successive months. Accordingly para (*c*) of the sub-clause has been omitted, the subsequent paras being renumbered and para (*e*) has been recast as follows :—

"(*d*) not being a salaried servant of the Government absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or"

We consider that all persons who are disabled by the provisions of this sub-section should be eligible for re-election or re-appointment when the disability has ceased. Accordingly the words, letters and brackets "clauses (a) to (d) and (f) of" in the last para of this sub-section are deleted.

Clause 22 [23].—This has been transferred next after clause 21 with the heading "(5) *Municipal government*" and numbered as clause 22, the original clause 22 being numbered as clause 23.

Clause 23 [22.]—The heading of the sub-chapter to original clause 22 numbered as clause 23 *viz.*, "*Presidents and vice-presidents*" has been numbered "(6)."

Clause 23 [22] (2).—The paras of the sub-clause are re-arranged so that para (d) may come first and then para (c) followed by paras (a) and (b).

Clause 23 [22] (4).—We consider that the vice-presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 23 [22] (8) and (14).—Consequent on the above change the words "appointment or" in the last line but one and the words "as the case may be" in the last line of clause 23 [22] (8), and the words "or vice-president" in the last line of clause 23 [22] (14) are omitted.

Clause 23 [22] (11).—We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted, and further necessary verbal changes are made.

Clause 23 [22] (12).—We are of opinion that the Government should have the power to limit to one year the term of not only elected presidents but also vice-presidents. The proviso to the sub-clause has been re-cast as follows :—

"Provided that in the case of elected presidents or vice-presidents or both the Government may in special cases, with the consent of the municipal council concerned, direct that their term be limited to one year and that elections therefor be held every year."

Clause 24 (3).—It was considered expedient that all correspondence between the municipal council and the Government should be through the president and consequently the word "official" was deleted from this sub-clause.

Clause 27 (14).—In order to make it clear that the resolution which is passed must have the support of at least one-half the whole number of members, the sub-clause is amended by substituting the word "passed" for "supported" and omitting the words "and passed."

Clause 29 (3).—We consider it expedient to give a right of appeal to the president from the orders of the municipal commissioner in cases of refusal to give access to municipal records and accordingly, the following is added at the end of the sub-clause :—

"The councillor may appeal from the order of the municipal commissioner to the president whose decision shall be final."

Clause 29 (4).—We consider that the president should have free access to all the records when there is a municipal commissioner and that the municipal commissioner should comply with all requisitions of the president for information appertaining to municipal administration. The following sub-clause is added after sub-clause (3) :—

"(4) In a municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipal council and the municipal commissioner shall comply, without unreasonable delay, with any requisition of the president for any information appertaining to the municipal administration."

Clause 36 (4).—The words and numbers "kept under sub-section (9) of section 27" at the end of the sub-clause are deleted as being unnecessary.

Clause 44 (2).—The words "municipal commissioner" are substituted for the words "chief executive officer." In order that the liability of the officers of the municipality due to their misconduct may be similar to that of the members, the words "has been caused or facilitated by his" are inserted before the last word "misconduct."

Clause 49 (*b*).—We consider that the municipal council should have the power to make rules to determine the staff to be employed, their duties, salaries, etc. We have therefore inserted as para (*ii*) of this sub-clause the

following provision similar to section 46 (*b*) (*ii*) in the present Regulation:—

"(*ii*) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 38;"

Clause 53 (2).—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipality is concerned. Accordingly the words "and public buildings of every description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all lands" in para (*e*).

Clause 55.—We consider that this clause is too cumbersome and have replaced it by the following:—

Application of municipal fund and property.

"55 The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 58, 59 and 61 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests."

Clause 61 (*s*).—The words "one-half" are substituted for the words "two-thirds."

Clause 61 (*u*).—We consider that the advancement of the economic condition of the inhabitants should also be a discretionary function of the municipal council. Accordingly the words "the advancement of the economic condition of the inhabitants or" are inserted after the words "public health, safety or convenience or"

In this sub-clause also, the words "one half" are substituted for the words "two thirds."

Clause 64 (*ix*).—We are of opinion that the water rate should not be fixed at a very high rate but should be such that it is reasonable considering the expenses incurred for providing the water supply. Accordingly, the following has been inserted in column 2 of Schedule I against item D "Water rate or water rates."

"Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply."

Clause 72.—We consider that from the orders of the municipal commissioner acting as revising authority, there should be an appeal to the managing committee and that its decision should not be liable to revision by or be appealable to the municipal council. We have accordingly inserted after sub-clause (4) the following sub-clause:—

"(5) From every order of the municipal commissioner under sub-section (4), there shall be an appeal in

accordance with the rules to be framed by the municipal council in this behalf to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of section 37."

Consequent on the insertion of the above, sub-clause (5) has been re-cast as shown below, sub-clauses (6) and (7) being re-numbered :—

"(6) When all objections made under this section and appeals under sub-section (5) have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment-list, the said list shall be authenticated by the revising authority."

Clause 73 (1).—As the revising authority may become *functus officio* after the revision work is completed, it will be the function of the municipal council to amend the assessment-list as occasion arises subsequently. The words "municipal council" have therefore been substituted for the words "revising authority."

Clause 83 (5).—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted, sub-clause (6) being re-numbered as (5) and the word and figures "(4) and (5)" therein being altered into "and (4)."

Clause 89 (2).—The words "on conviction by a magistrate" are inserted between the words "shall" and "be" in order to make it clear that the fine should be imposed only by a magistrate.

Clause 94 (1) —We consider that the farming of tolls should be annual and have inserted the words "annually" after the words "to lease."

Clause 106 [104].—This has been transferred next after existing clause 106, the existing clauses 105 and 106 being numbered as 104 and 105 respectively.

Clause 109 (1).—For the words "either as existing or as determined upon for the future," the words "as prescribed under section 108" are substituted to make the meaning clear.

Clause 115 (5).—The last sentence of the sub-clause is omitted as unnecessary.

Clause 116.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest. A new clause as follows has therefore been inserted as clause 116 after clause 115, and penalty is also provided for infringement of such prohibitory order, the subsequent clauses being suitably re-numbered :—

Power of Government to prohibit the erection of buildings in certain area without permission.

"116. (1) Notwithstanding anything contained in section 115, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the official gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf :

Provided that such permission shall not be refused in the case of land which has been set apart as a building site by the Government or the municipal council prior to the publication of such notification.

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall be punished with fine which may extend to two hundered rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2)."

Clause 166 [165] (3).—We consider that license should be obtained for burning bricks in all cases and consequently the words " for other than trade purposes " have been deleted in the sub-clause as also in the marginal heading.

Clause 168 [167] (3).—The words " for a period not exceeding one year at a time" have been inserted after the word " lease."

Clause 179 [178] (2) (*c*).—We consider that the appellate authority from the order of the municipal council prohibiting erection of buildings in overcrowded areas should be an officer who may be empowered by the Government in this behalf and we have accordingly substituted the words " an officer who may be empowered by the Government in this behalf and " for the words " the Deputy Commissioner."

Clause 185 [184].—It was suggested by Mr. H. C. Dasappa, that the manner of service of notices which give directions disobedience whereof would be an offence under this Regulation should be more formal than provided for here, and should be in accordance with the provisions of the Civil Procedure Code. The Committee considered the suggestion, but finally decided against it as the procedure under the Civil Procedure Code would be somewhat complicated.

Clause 192 [191].—For the sake of clearness the words " by this Regulation " have been omitted and the words " by any person under this chapter, " have been inserted after the words " directed to be paid,"

Clause 203 [202].—We consider that the limitation that the balance of the municipal fund should not fall below a certain minimum at all times will be unworkable and hamper the municipal council. Hence the words " and the balance of the municipal fund does not fall below a sum which the Government may, from time to time, fix in this behalf generally for all municipalities or specially for any municipality " have been deleted.

Clause 204 [203] (3) (*d*).—As a change consequential on the above alteration, the words " such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality " have been substituted for the words " the sum fixed under sub-section (1) of section 202."

Clause 205 [204].—The marginal heading " Revision of budget " is inserted.

In para (b) for the words and figures " sub-section (1) of section 202" the words, letter, figures and brackets " clause (d) of sub-section (3) of section 204 " are substituted.

Clause 207 [206] (1).—For the words "a Government auditor," the words "an auditor appointed by the Government" are substituted.

Clause 207 [206] (3).—For the words "or if the auditor is a Government auditor, then" the words "and in the case of a Government auditor" are substituted.

Clause 212 [211].—We consider that it will be more convenient and expeditious to recover these amounts through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the Court." the words "by the Deputy Commissioner as an arrear of land revenue and credited to the Municipal fund" are substituted.

Clause 215 [214] (2).—This sub-clause is recast as follows:—

"(2) In a municipality for which there is a municipal commissioner, the municipal commissioner, and in other municipalities, the president, shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon."

Clause 215 [214] (3).—For the word "shall" the word "may" is substituted.

Clause 220 [219] (1).—We have recast this sub-clause as follows:—

"The Government after consulting the municipal council may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify."

Clause 221 [220] (1).—We consider that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the works should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly we have inserted the words "after consulting the municipal council" after the words "at any time" and deleted the words "or convenience" in para (*a*), inserting the word "or" before the word "safety."

Clause 225.—We consider that the Government should have the power in case of default by a municipal council to pay its dues to the Government to direct the person having custody of the municipal fund to pay to the Government such amounts due in priority to any other charge. A clause as follows has been added after the present clause 223, the subsequent clauses being renumbered.

"225. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order."

Power of Government to direct person custody of municipal fund to pay Government dues.

Clause 226 [224].—We consider it desirable that Government should also have the power to dissolve a municipal

council in cases of incompetency, as this may in some cases be a sufficient remedy, being less drastic than supersession. Accordingly the following amendments are made in the clause :—

(*a*) In sub-clause (1) for the words "If in the opinion of the Government" the words "If after such enquiry as the Government may consider necessary, the Government is of opinion that" are substituted and after the words "as the case may be, and" the words "may dissolve such municipal council or" are inserted.

(*b*) In line 1 of sub-clause (2) between the words "so" and "superseded" the words "dissolved or" are inserted.

(*c*) In sub-clause 2 (*a*) for the words "as from the date of the order" the words "in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession" are inserted.

(*d*) In sub-clause (2) (*b*) and sub-clause (2) (*c*) after the word "period" the words "between dissolution and reconstitution or" are inserted.

(*e*) The following is inserted after sub-clause (2) as sub-clause (3), sub-clause (3) being re-numbered and sub-clause (4) being deleted :—

"(3) After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted :—

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be."

Clause 228 [226] (2).—Consequent on the insertion of clause 49 (*b*) (ii) which we have made, power to make rules in special matters specified in that clause relating to staff of officers, etc., is provided by inserting in para (*c*) of the sub-clause the letter and brackets "(*b*)" between the words "clauses" and the letter and brackets "(*c*)," and para (*e*) of the sub-clause is omitted.

We consider that the power to make rules prescribing taxes, etc., should remain with the municipal council and that the Government need not have this power. Accordingly we have deleted the letter and brackets "(*h*)" from sub-clause (2) (*c*), and transposed the word "and" before "(*g*)".

Para (*h*) of the sub-clause relating to intermediate offices through which correspondence between municipal councils and the Government or the Government officers has to pass is considered unnecessary and deleted.

We consider that Government should have power to make rules in respect of all matter connected with the grant of permission under clause 116 which we have newly inserted. The following para has therefore been added as before the existing para (*n*) para (*l*) of the sub-clause :—

"(*l*)" for the regulation of all matters connected with the grant of permission under section 116;"

Clause 228 [226] (4).—We consider that rules under this Regulation should be made by the Government after

previous publication and have re-cast the sub-clause as follows :—

"(4) The power of Government to make rules under this Regulation shall be subject to the condition of previous publication. All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and shall thereupon have effect as if enacted in this Regulation."

Clause 240 (238) (3).—The sub-clause is recast as follows :—

"The municipal commissioner shall be removeable from office by the Government, if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal."

Clause 245 [243] (1).—We consider that the president himself may furnish to Government copies of resolutions passed at the meetings of the municipal council, and accordingly the letter and brackets "(*f*)" in the sub-clause are omitted.

Clause 245 [243] (3).—In consequence of the amendment made in clause 73, the word and figure "Section 73," are inserted above the word and figure "Section 81," in the sub-clause.

With regard to the powers under section 81, we consider that the municipal commissioner may sanction remissions and refunds up to two hundred and fifty rupees only and we have inserted the words "except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees," after the word and figure "Section 81," in the sub-clause.

Clause 245 [243] (3).—*Proviso* (*a*). We consider that in cases falling under section 115 (6) (*b*) also, the municipal commissioner should act subject to the general or special orders of the municipal council and accordingly after the word and figure "section 110" the words, figures, letter and brackets "clause (*b*) of sub-section (6) of section 115" are inserted.

Clause 248 [246] (1).—We consider that the power of the municipal commissioner to appoint persons without reference to the municipal council may be limitted to posts carrying a monthly salary not exceeding sixty rupees and that his power to fine, reduce etc., should be co-extensive with his power to appoint, and we have accordingly substituted the word "sixty" for the words "one hundred" and deleted the proviso to the sub-clause.

Clause 249 [247].—We consider that appeals should lie to the municipal council from the orders of the municipal commissioner in the following cases also :—

(*i*) Sub-section (4) of section 107,

(*ii*) Clause (*b*) of sub-section (6) of section 115, and

(*iii*) Section 192 [191].

The clause has been amended accordingly.

Schedule II A. Class I.—We consider that the maximum rate of octori on betel leaves may be fixed at one pie per 100 leaves and we have substituted "0-0-1" for "0-0-2" against "betel-leaves".

W D—866—GPB—30—26-10-32.

Report of the Select Committee appointed to consider the Mysore City Municipalities Bill.

We, the undersigned members of the Select Committee, to which the Mysore City Municipalities Bill was referred, have considered the Bill at the meetings held on the 22nd, 23rd, and 24th September and the 7th and 8th October 1932, and have the honour to submit this our report with the ~~portions of the~~ clauses of the Bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal, have been indicated in the ~~portions~~ clauses of the Bill. We consider that it is unnecessary to re-publish the entire Bill as amended and that it would be sufficient if the ~~portions~~ clauses of the Bill which ~~are~~ have undergone substantial changes are ~~annexed~~ published in the Gazette.

The following notes on clauses explain the amendments which we have made in the original Bill:

Note:- Figures in square brackets show the numbering of clauses in the original Bill.

Clause 4: We consider it expedient to provide a sub-clause for the vesting in the Government of property etc of municipal councils which have ceased to exist ~~in the Government as has been~~ as provided for in the Town Municipalities Bill. We have accordingly added the following as sub-clause (4):—

Property and rights of municipal council which has ceased to exist to vest in Government.

" (4) When any local area ceases to be a city municipality, the municipal council constituted therein shall cease to exist, and the property and rights vested in any such municipal council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such municipal council had jurisdiction".

Clause 5(b).- We consider that if a town municipality is constituted as a city municipality, by-laws in force in such municipalities should also continue to have force therein as well as notifications, orders, rules, etc and consequently after the word "rule" in each of the three places where it occurs in the sub-clause, the word "by-law" is inserted.

Clause 7(1).- Mr. H.C. Dasappa suggested that municipal councils should not contain any nominated members and that all the members should be elected. This was ruled out by the Chairman as being a matter beyond the scope of the Select Committee.

Clause 9(2).- We decided by a small majority that the elected element in the composition of municipal councils need

P.T.O.

should need not be less than four-fifths. Accordingly, in each of the two places where the words "two-thirds" occur, the words "four-fifths" are substituted.

Clause ~~9 (4)~~ (3).- Mr. H.C. Dasappa suggested that there should be no nominations of officials to municipal councils. This was ruled out by the Chairman as a matter which was beyond the scope of the Select Committee.

Clause 9(3) In order, ~~however~~, to provide for a possibility of having a fully elected element it was decided to add a sub-clause on the lines of the Bombay City Municipalities Act. ~~The clause runs~~ as follows: the existing sub-clause (3) being re-numbered as (4):-

" ~~(3)~~ (4) Notwithstanding anything contained in sub-sections (1), (2) ~~and (3)~~ above, the Government may direct that all the councillors shall be elected".

Clause ~~12 (1)~~ 12(1).- We consider that persons who have accepted employment as legal practitioners against a municipal council and those that are employed as paid legal practitioner on behalf of a municipal council should as provided in the Madras Act be disqualified to be councillors of such municipal council. Accordingly the following has been added after para (f), the word "or" being added at the end of the said para.

" (g) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council"

Consequent on this addition para (v) of proviso (c) of the sub-clause which provided for the exemption of legal practitioners from disqualification to be councillors has been omitted, the succeeding paras of the proviso being renumbered.

Clause ~~12 (2)~~ 12(2).- As regards the ~~proviso~~ provision in para (c) of the sub-clause disabling a member from continuing as a councillor if he departs beyond the limits of Mysore, we are of opinion that as it is difficult to ascertain the intention of the absentee member, the proviso is unworkable in practice

practice and should be deleted. It is considered that the provision in para (e) is a sufficient safeguard against continued absence, and that the para should be suitably amended so that the municipal council shall not have power to grant leave in case of absence exceeding six successive months. Accordingly para (c) of the sub-clause has been omitted, the subsequent paras being renumbered and para (e) has been recast as follows:-

" (d) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or"

We consider that all persons who are disabled by the provisions of this sub-section should be eligible for re-election or re-appointment when the disability has ceased. Accordingly the words, letters and brackets "clauses (a) to (d) and (f)" in the last para of this sub-section are deleted.

Insert in next page

Clause 22 (2).- Mr. H. C. DASAPPA suggested [R2]. that there should be no nominated or ex-officio presidents on the city municipal councils. ~~This was not approved. It was, however, decided to re-arrange~~ The paras of the sub-clause so as to re-arrange so that ~~sub-clause~~ para (d) may come first, then (c) and ~~then sub-clauses~~ (a) and (b). and paras (a) to (c) followed by paras

Clause 13.—We are of opinion that presidents should not be compelled to continue in office indefinitely merely because the competent authority does not choose to accept the resignation or delays in sending intimation of acceptance of the resignation and that the resignations in such cases should take effect automatically on the expiry of ten days from the date of notice. For the last two sentences of the clause the following is substituted :—

"The president may resign his membership or his office as president by giving notice in writing to that effect to the ~~Deputy Commissioner~~ Government and such resignation shall take effect on the expiry of ten days from the date of the notice."

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Clause 23[22](4).- We consider that the Vice-Presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 23[22] (8) and (14).- Consequent on the above change the words "appointment or" in the last line but one and the words "as the case may be" in the last line of clause 23[22](8), and the words "or Vice-President" in the last line of clause 23[22](14) are omitted.

Clause 23[22](11).- We consider that attachment of property by itself should not constitute a reason for removal of presidents and vice-presidents and accordingly in the explanation to the sub-clause, para (b) is omitted, and further necessary verbal changes are made.

Clause 23[22](12).- We are of opinion that the Government should have the power to limit to one year the term of not only elected presidents but also vice-presidents. The proviso to the sub-clause has been recast as follows:-

" Provided that in the case of elected presidents or Vice-Presidents or both the Government may in special cases, with the consent of the municipal council concerned, direct that their term be limited to one year and that elections therefor be held every year".

Clause 22[23].- This has been transferred next after clause 21 with the heading "Municipal Government" and numbered as clause 22, the original clause being numbered as clause 23. The heading of the sub-chapter occurring after original clause 22 numbered as cl(23) namely, "Presidents and vice-presidents" has been numbered "(6)".

A transfer to previous page P 2

Clause 24(3).- It was considered expedient that all correspondence between the municipal council and the Government should be through the President and consequently the word "official" was deleted from this clause.

Clause 27(14).- In order to make it clear that the resolution which is passed must have the support of at least one-half the whole number of members, the sub-clause is amended by substituting the word "passed" for "supported", and omitting the words "and passed".

" Clause 29 (3).-We consider it expedient to give a right of appeal to the President from the orders of the municipal commissioner ~~to the president~~ in cases of refusal to give access to municipal records and accordingly, the following ~~x~~ is added at the end of the sub-clause:

> "The councillor may appeal from the order of the municipal commissioner to the president whose decision shall be final."

Clause 29 (4).-We consider that the president should have ~~further~~ free access to all the records when there is a municipal commissioner and that the municipal commissioner should comply with all requisitions of the president for information appertaining to municipal administration. The following sub-clause is added after sub-clause (3):—

> "(4) In a municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipality and the municipal commissioner shall comply, without unreasonable delay, with any requisition of the president for any information appertaining to the municipal administration."

Clause 36 (4).-The words "kept under sub-section (9) of Sec. 27" and numbers at the end of the sub-clause ~~were~~ are deleted as being unnecessary.

Clause 44 (2).-The words 'municipal commissioner' are substituted for the words 'Chief Executive officer.' In order that the liabilities of the officers of the municipality due to their misconduct may be similar to that of the members, the words "has been caused or facilitated by his" are inserted before the last word 'misconduct.'

49

~~Clause 49 (b).-~~

Clause 49 (*b*).—We consider that the municipal council should have the power to make rules to determine the staff to be employed, their duties, salaries, etc. We have therefore inserted as para (*ii*) of this sub-clause the following provision similar to section 46 (*b*) (*ii*) in the present Regulation :—

"(*ii*) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section ~~95 of~~ 38;"

53

~~Clause 50 (2)~~

Clause ~~50~~ (2).—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipality is concerned. Accordingly the words "and public buildings of any description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all land" in para (*e*).

Clause 55.-We consider that this clause is too cumbersome and have replaced it by the following:—

Municipal property and funds how to be applied

"55. ~~52.~~ The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections ~~55, 56 and 58~~ and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests."

58, 59 and 61

Clause 61 (s) The words "one-half" are substituted for the words "two-thirds."

Clause 61 (s).—The Committee consider that the advancement of the economic condition of the inhabitants should also be a discretionary function of the municipal council. Accordingly the words "the advancement of the economic condition of the inhabitants or" are inserted after the words "public health, safety or convenience or".

In this sub-clause also, the words "one-half" are substituted for the words "two-thirds".

Clause 66 (ix)

Clause 66 (ix).—The majority of the Committee are of opinion that the water rate should not be fixed at a very high rate, but should be such that it is reasonable considering the expenses incurred for providing the water supply. Accordingly, the following has been inserted in column 2 of Schedule I against item D "Water rate or water rates".

"Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply."

Clause 72 (72).-We consider that from the orders of the municipal commissioner acting as revising authority, there should be an appeal to the managing committee and that its decision should not be revised or be appealable to the municipal council. We have accordingly inserted after sub-clause (4) the following sub-clause:-

"(5). From every order of the municipal commissioner under sub-section (4), there shall be an appeal to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of Sec. 37."

Consequent on the insertion of the above sub-clause, the words and figure "sub-section (7) of this Section and" are inserted between the words "under" and "section" in para (b) of the present sub-section (5).

"(6) When an objections made under this section and appeals if any have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority."

73

~~Clause 72 (73)~~

Clause ~~72~~ (1).—As the revising authority may become *functus officio* after the revision work is completed, it will be the function of the municipal council to amend the assessment list as occasion arises subsequently. The words "municipal council" have therefore been substituted for the words "revising authority."

83(5)

Clause ~~89 (2)~~.—We are of opinion that composition of octori should not be permitted as it may lead to abuse. This clause is therefore deleted ~~and the present clause 3 is~~ renumbered as (5) and the word and figure ~~"and 2" in sub-clause (3) are omitted.~~ "(4) and (5)" being sub-clauses (6) wherein being altered into "and (4)".

Clause 89 (2).-The words "on conviction by a magistrate" are inserted between the words "shall" and "be" in order to make it clear that the fine should be imposed only by a magistrate.

Clause 9~~8~~ (~~94~~) (1).-We consider that the ~~farming~~ farming of tolls should be annual and have inserted the words "annually" after the words "to lease".

Clause 9~~8~~ (~~94~~).-The marginal heading "Distraint and ~~S~~ale outside the municipality" is inserted.

Clause 10~~6~~ (104)-This has been transferred next after existing clause 106, existing clauses 105 and 105b being numbered as 104 and 105 respectively.

Clause 10~~9~~ (~~108~~) (1).-For the words "either as existing or as determined upon for the future" the words "as prescribed under ~~S~~ec 108", are substituted to make the meaning clear.

Clause 11~~5~~ (~~114~~) (5).-The last sentence of the sub-clause is ~~xxx~~ omitted as unnecessary.

Clause ~~[115]~~.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if it is not in the public interest. A new clause as follows has therefore been inserted as clause ~~116~~ after clause ~~[114]~~, and penalty is also provided for infringement of such prohibitory order. The clauses ~~following will be~~ suitably renumbered:—

Power of Government to prohibit the erection of buildings in certain area without permission.

"~~116~~ (1) Notwithstanding anything contained in section ~~[114]~~, the Government may in the public interest and after consulting the municipal council prohibit, by notification published in the official gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Provided that such permission shall not be refused in the case of land which had been set apart as a building site by the Government or the municipal council prior to the publication of such notification;

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by it in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2)."

Clause 166 [165] (1)

Clause ~~146 [145]~~.—We consider that license should be obtained for burning bricks in all cases and consequently the words "for other than trade purposes" have been deleted in the sub-clause as also in the marginal heading.

Clause 168 [167] (3)

Clause ~~148 (3) [147 (3)]~~.—The words "for a period not exceeding one year at a time" have been inserted after the word "lease."

Clause 179 [178] (2) (c).-We consider that the ~~right of~~ appeal from the order of the municipal council ~~to~~ prohibiting erection of buildings ~~should~~ in unnotified areas should lie to an officer who may be empowered by the Government in this behalf ~~and~~ we have accordingly substituted the words "an officer who may be empowered by the Government in this behalf and" ~~after~~ for the words "the Deputy Commissioner."

~~Clause~~ 185 [184].—

Clause ~~182 [181]~~. It was suggested by Mr. H. C. Dasappa, that the manner of service of notices which give directions disobedience whereof would be an offence under this Regulation should be more formal than provided for here, and should be in accordance with the provisions of the Civil Procedure Code. The Committee considered the suggestion, but finally decided against it as the procedure under the Civil Procedure Code would be somewhat complicated.

~~Clause 192 (191)~~

192 [191]

Clause ~~160 [166]~~. For the sake of clearness the words 'by this Regulation" have been omitted and the words "by any person under this chapter" have been inserted after the words "directed to be paid."

~~Clause~~ 203 [202]

Clause ~~180 [177]~~. We consider that the limitation that the balance of the municipal fund should not fall below a certain minimum at all times will be unworkable and hamper the ~~municipalities~~ councils. Hence the words "and the balance of the Municipal fund does not fall below a sum which the Government may, from time to time, fix in this behalf generally for all municipalities or specially for any municipality" have been deleted. I.C

~~Clause 204 (203)~~

204 [203]

Clause ~~181~~ (3) (*d*) [~~178~~]. As a change consequential on the above alteration, the words "such sum as may from time to time be fixed by the Government, generally for all municipalities or specially for any municipality" have been substituted for the words "the sum fixed under ~~section 177~~ sub-section (1) of section 202"

~~Clause 205 (204)~~

205 [204]

Clause ~~182 [179]~~. The marginal heading "Revision of Budget" is inserted. I.C

In para (*b*) for the words and figures "~~section 177~~" sub-section (1) of section 202" the words, letter, figures and brackets "clause (*d*) of sub-section (3) of section ~~198~~" are substituted.

204

Clause 207 [206] (1).-For the words "a Government auditor", the words "an auditor appointed by the Government" are substituted.

Clause 207 [206] (2).-For the words "~~or if the auditor is~~", the words "and in the case of a government auditor" ~~case of~~" are substituted.

Clause 212 [211].-We consider that it will be more convenient and expeditious to recover these amounts through the Deputy Commissioner as arrears of land revenue and accordingly for the words "to the court in the same way as an amount decreed by the court", the words "by the Deputy Commissioner as an arrear of land revenue" are substituted.

Clause 215 [214] (2).-This sub-clause is recast as follows: —

"(2) In a municipality for which there is a municipal commissioner, the municiapl commissioner, and in other municipalities, the president, shall prepare the report and place it before the municipal council for consideration and forward it to the government with the resolution of the municipal council thereon."

Clause 215 [214] (3).-For the word "shall" the word "may" is substituted.

Clause 220 [219] (1).-We have recast this sub-clause as follows:

"The Government after consulting the municipal council may direct that such public works as in the opinion of the government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the ~~Govt.~~ or by such agency as the Government may specify."

~~Clause~~ 221 [220].(4)

Clause ~~197 [194]~~. We consider that before Government constructs works of a permanent nature on behalf of a Municipal Council, the municipal council should be consulted, and the works should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly we have inserted the words "after consulting the municipal council" after the words "at any time" ~~in para (1)~~ and deleted the words "convenience or" in para (*a*), inserting the word 'or' before the word "safety."

225 ~~Clause 225~~.-

Clause ~~201~~.—We consider that the Government should have the power in case of default by a municipal council to pay its dues to the Government to direct the person having custody of the municipal funds to pay to the Government such amounts due in priority to any other charge. A section as follows has been added as ~~clause 201~~ after the present clause ~~197~~, the subsequent clauses being renumbered.

"~~201~~. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order."

Power of Government to direct person in custody of municipal funds to pay Government dues.

226 [224]

Clause ~~202 [198]~~. We consider it desirable that the Government should also have the power to dissolve a municipal council in cases of incompetency, as this may in some cases be a sufficient remedy being less drastic than supersession. Accordingly the following amendments are made in the clause:—

(*i*) ~~(a) In sub-clause (1)~~ after the words "as the case may be and" the words "may dissolve such municipal council or" are inserted.

(*b*) In line 1 of sub-clause (2) between the words "so" and "superseded" the words "dissolved or" are inserted.

(*c*) In sub-clause 2 (*a*) for the words "as from the date of the order" the words "in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession," are inserted.

(*d*) In sub-clause (2) (*b*) and sub-clause (2) (*c*) after the word "period" the words "between dissolution and reconstitution or" are inserted.

(*e*) The following is inserted after sub-clause (2) as sub-clause (3), sub-clause (3) being re-numbered and sub-clause (4) being deleted.

"(3) On the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(*i*) in the case of dissolution on the date specified in the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be."

Clause 228 [226] (1) We consider that ~~the~~ rules should be made by the Government after previous publication and have accordingly ~~inserted~~ substituted for the words "make rules or orders" the ~~the words "after previous publication "between~~ words "make rules after previous publication or make orders" ~~the words "may" and "make" in sub-clause (1), sub-clause (4) being deleted.~~

Clause 228 [226] (2)

Consequent on the amendment of clause 49 (b) which we have made, power to make rules in special matters specified in that clause relating to staff of officers, etc., ~~will be~~ is provided by inserting in para (c) of the sub-clause the letter and brackets " (b) " between the words ". clauses " and the letter and brackets "(c)", and para (e) of the sub-clause (e) is omitted.

Para ~~Clause~~ (h) of the sub-clause relating to intermediate offices through which correspondence between Municipal Councils and the Government or the Government Officers has to pass is considered unnecessary and deleted.

We consider that Government should have power to make rules in respect of all matter connected with the grant of permission under ~~Section~~ clause 116 which we have newly inserted. The following ~~sub-clause~~ para has therefore been added as para (m) of ~~clause 228 (226) (2)~~ the sub-clause :-

" (m) " for the regulation of all matters connected with the grant of permission under section 116.

Clause 233 [231] - Mr. H.C. Dasappa suggested that all Municipalities should have only Commissioners and that the provision for Chief officers was unnecessary. This was not approved.

Clause 240 [238] (3) - The sub-Clause is recast as follows:-

" The Municipal Commissioner shall be removable from office by the Government, if at a special general meeting of the Municipal Council called for

for the purpose, not less than two-thirds of the whole number of Councillors vote for such removal.

Clause 245 [243] (1) - We consider that the President himself may furnish to Government copies of resolutions passed at the meetings of the Municipal Councils, and accordingly the letter and brackets "(f)" in the sub-clause ~~is~~ are omitted.

Clause 245 [243] (3) - In consequence of the amendment made in clause 73, the word and figure " Section 73," are inserted above the word and figure " Section 81," in the sub-clause.

With regard to the powers under Section 81, we consider that the Municipal Commissioner may sanction remissions and refunds up to ~~Rupees~~ two ~~&&& &&&&~~ hundred and fifty rupees only and we have inserted the words "except in cases where the amount to be remitted or refunded exceeds" ~~the words~~ two hundred and fifty rupees after the word and figure " Section 81 " in the sub-clause.

Clause 245 [243] (3) - Proviso (a) - We consider that in cases falling under Section 115 (6) (b) also, the Municipal Commissioner should act subject to the general or special orders of the Municipal Council and accordingly after the word and figure " Section 110," the words figures, letter and brackets ~~and figure~~ " Sub-Section (6) (b) of Section 115 " are inserted.

Clause 248 [246] (1) - We consider that the power of the municipal Commissioner to appoint persons may without reference to the municipal council may be limited to posts carrying a monthly salary not exceeding Rs. 60/- and we have accordingly substituted the word " sixty " for the words " one hundred " and deleted the proviso to the sub-clause.

~~Proviso~~.

Clause 249 [247] - We consider that appeals should lie to the Municipal Council from the orders of the Municipal Commissioner in the following cases also:—

(i) Sub-section (4) of section 107,
(ii) clause (b) of sub-section (6) of section 115, and ~~115 and~~
(iii) Section 192 [191] ~~192 [191]~~

The clause has been amended accordingly.

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DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE CITY MUNICIPALITIES BILL.

We, the undersigned members of the Select Committee, to which the Mysore City Municipalities Bill was referred, have considered the Bill at the meetings held on the 22nd, 23rd, and 24th September and the 7th and 8th October 1932, and have the honour to submit this our report with the bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal, have been indicated in the bill annexed thereto.

We consider that it is unnecessary to republish the entire bill as amended and that it would be sufficient if those clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the original bill :—

Note.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause (4).—We consider it expedient to provide a sub-clause for the vesting in the Government of property, etc., of Municipal Councils which have ceased to exist, as provided for in the Town Municipalities Bill. We have accordingly added the following as sub-clause (4):—

"(4) When any local area ceases to be a City Municipality, the Municipal Council constituted therein shall cease to exist and the property and rights vested in any such municipal Council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such Municipal Council had jurisdiction." Property and rights of Municipal Council which has ceased to exist to vest in Government.

Clause 5 (3).—We consider that if a Town Municipality is constituted as a City Municipality, bye-laws in force in such municipalities should also continue to have force therein as well as notifications, orders, rules, etc., and consequently after the word "rule" in each of the three places where it occurs in the sub-clause, the word "bye-law" is inserted.

Clause 9 (2).—We decided by a small majority that the elected element in the composition of Municipal Councils should not be less than four-fifths. Accordingly, in each of the two places where the words "two-thirds" occurred, the words "four-fifths" are substituted.

Clause 9 (3).—In order to provide for a possibility of having a fully elected element it was decided to add a sub-clause on the lines of the Bombay City Municipalities Act as follows the existing sub-clause (3) being re-numbered as (4):—

"(3) Notwithstanding anything contained in sub-sections (1) and (2) above, the Government may direct that all the councillors shall be elected."

Clause 12 (1).—We consider that persons who have accepted employment as legal practitioners against a municipal council and those that are employed as paid legal practitioners on behalf of a municipal council should, as provided in the Madras Act be disqualified to be councillors of such municipal council. Accordingly the following has been added after para (*f*), the word "or" being added at the end of the said para.

"(*g*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a Municipal Council."

Consequent on this addition para (v) of proviso (*c*) of the sub-clause which provided for the exemption of legal practitioners from disqualification to be councillors has been omitted, the succeeding paras of the proviso being renumbered.

Clause 12 (2).—As regards the provision in para (*c*) of the sub-clause disabling a member from continuing as a councillor if he departs beyond the limits of Mysore, we are of opinion that as it is difficult to ascertain the intention of the absentee member, the provision is unworkable in practice and should be deleted. It is considered that the provision in para (*e*) is a sufficient safeguard against continued absence, and that the para should be suitably amended so that the Municipal Council shall not have power to grant leave in case of absence exceeding six successive months. Accordingly para (*c*) of the sub-clause has been omitted, the subsequent paras being renumbered and para (*e*) has been recast as follows :—

"(*d*) not being a salaried servant of the Government absents himself from the meetings of the Municipal Council during four successive months except with the leave of the municipal council provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or"

We consider that all persons who are disabled by the provisions of this sub-section should be eligible for re-election or re-appointment when the disability has ceased. Accordingly the words, letters and brackets "clauses (a) to (d) and (f) of" in the last para of this sub-section are deleted.

Clause 22 [23].—This has been transferred next after clause 21 with the heading "(5) *Municipal Government*" and numbered as clause 22, the original clause 22 being numbered as clause 23.

Clause 23.—The heading of the sub-chapter to original clause 22 numbered as clause (23) *viz.*, "Presidents and Vice-Presidents" has been numbered "(6)."

The paras of the sub-clause are re-arranged so that para (d) may come first and then para (c) followed by paras (a) and (b).

Clause 23 (22) (4).—We consider that the Vice-Presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

Clause 23 (22) (8) and (14).—Consequent on the above change the words "appointment or" in the last line but one and the words "as the case may be" in the last line of clause 23 (22) (8), and the words "or Vice-President" in the last line of clause 23 (22) (14) are omitted.

Clause 23 (22) (11).—We consider that attachment of property by itself should not constitute a reason for removal of Presidents and Vice-Presidents and accordingly in the explanation to the sub-clause, para (b) is omitted, and further necessary verbal changes are made.

Clause 23 (22) (12).—We are of opinion that the Government should have the power to limit to one year the term of not only elected presidents but also Vice-Presidents. The proviso to the sub-clause has been re-cast as follows :—

"Provided that in the case of elected presidents or Vice-Presidents or both the Government may in special cases, with the consent of the Municipal Council concerned, direct that their term be limited to one year and that elections therefor be held every year."

Clause 24 (3).—It was considered expedient that all correspondence between the Municipal Council and the Government should be through the presidents and consequently the word "official" was deleted from this clause.

Clause 27 (14).—In order to make it clear that the resolution which is passed must have the support of at least one-half the whole number of members, the sub-clause is amended by substituting the word "passed" for "supported", and omitting the words "and passed."

Clause 29 (3).—We consider it expedient to give a right of appeal to the President from the orders of the Municipal Commissioner in cases of refusal to give acces s to Municipal records and accordingly, the following i s added at the end of the sub-clause :—

"The Councillor may appeal from the orders of the Municipal Commissioner to the President whose decision shall be final."

Clause 29 (4).—We consider that the President should have free access to all the records when there is a Municipal Commissioner and that the Municipal Commissioner should comply with all requisitions of the President for information appertaining to Municipal administration. The following sub-clause is added after sub-clause (3) :—

"(4) In a Municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipality and the municipal commissioner shall comply, without unreasonable delay, with any requisition of the president for any information appertaining to the municipal administration."

Clause 36 (4).—The words and number "kept under sub-section (9) of section 27" at the end of the sub-clause are deleted as being unnecessary.

Clause 44 (2).—The words "municipal commissioner" are substituted for the words "Chief Executive Officer." In order that the liability of the officers of the Municipality due to their misconduct may be similar to that of the members, the words "has been caused or facilitated by his" are inserted before the last word "misconduct."

Clause 49 (*b*).—We consider that the municipal council should have the power to make rules to determine the staff to be employed, their duties, salaries, etc. We have therefore inserted as para (*ii*) of this sub-clause the

following provision similar to section 46 (*b*) (*ii*) in the present Regulation :—

"(*ii*) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 38."

Clause 53 (2).—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipality is concerned. Accordingly, the words "and public buildings of ~~any~~ description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all land" in para (*e*).

Clause 55.—We consider that this clause is too cumbersome and have replaced it by the following :—

Application of municipal fund and property.

Municipal property and fund how to be applied.

"55. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 58, 59 and 61 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests."

Clause 61 (*s*).—The words "one-half" are substituted for the words "two-thirds."

Clause 61 (*u*).—We consider that the advancement of the economic condition of the inhabitants should also be a discretionary function of the municipal council. Accordingly the words "the advancement of the economic condition of the inhabitants or" are inserted after the words "public health, safety or convenience or"

In this sub-clause also, the words "one half" are substituted for the words "two thirds."

Clause 64 (*ix*).—The majority of us, are of opinion that the water rate should not be fixed at a very high rate but should be such that it is reasonable considering the expenses incurred for providing the water supply. Accordingly, the following has been inserted in column 2 of Schedule I against item D "Water rate or water rates."

"Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply."

Clause 72.—We consider that from the orders of the Municipal Commissioner acting as revising authority, there should be an appeal to the managing committee and that its decision should not be liable to revision by or be appealable to the Municipal Council. We have accordingly inserted after sub-clause (4) the following sub-clause, the succeeding sub-clause being re-numbered :—

"(5) From every order of the Municipal Commissioner under sub-section (4), there shall be an appeal in

accordance with the rules to be framed by the Municipal Council in this behalf to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of section 37."

Consequent on the insertion of the above sub-clause, (5) has been re-cast as shown below, sub-clauses (6) and (7) being re-numbered :—

"(6) When all objections made under this section and appeals under sub-section (5) have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority."

Clause 73 (1).—As the revising authority may become *functus officio* after the revision work is completed, it will be the functions of the Municipal Council to amend the assessment list as occasion arises subsequently. The words "Municipal Council" have therefore been substituted for the words "revising authority."

Clause 83 (5).—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted sub-clause (6) being re-numbered as (5) and the word and figures "(4) and (5)" therein being altered into "and (4)."

Clause 89 (2).—The words "on conviction by a magistrate" are inserted between the words "shall" and "be" in order to make it clear that the fine should be imposed only by a magistrate.

Clause 94 (1).—We consider that the farming of tolls should be annual and have inserted the words "annually" after the words "to lease."

Clause 106 (104).—This has been transferred next after existing clause 106, the existing clauses 105 and 106 being numbered as 104 and 105 respectively.

Clause 109 (1).—For the words "either as existing or as determined upon for the future," the words "as prescribed under section 108" are substituted to make the meaning clear.

Clause 115 (5).—The last sentence of the sub-clause is omitted as unnecessary.

Clause 116.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest. A new clause as follows has therefore been inserted as clause 116 after clause 115, and penalty is also provided for infringement of such prohibitory order, the subsequent clauses being suitably re-numbered :—

Power of Government to prohibit the erection of buildings in certain areas without permission.

"116. (1) Notwithstanding anything contained in section 115, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the official gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Provided that such permission shall not be refused in the case of land which had been set apart as a building site by the Government or the municipal council prior to the publication of such notification;

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall be punished with fine which may extend to two hundered rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2)."

Clause 166 [165] (3).—We consider that license should be obtained for burning bricks in all cases and consequently the words " for other than trade purposes " have been deleted in the sub-clause as also in the marginal heading.

Clause 168 [167] (3).—The words " for a period not exceeding one year at a time " have been inserted after the word " lease."

Clause 179 (178) (2) (*c*).—We consider that the appellate authority from the order of the Municipal Council prohibiting erection of buildings in overcrowded areas should be an officer who may be empowered by the Government in this behalf and we have accordingly substituted the words " an officer who may be empowered by the Government in this behalf and " for the words " the Deputy Commissioner."

Clause 185 (184).—It was suggested by Mr. H. C. Dasappa, that the manner of service of notices which give directions disobedience whereof would be an offence under this Regulation should be more formal than provided for here, and should be in accordance with the provisions of the Civil Procedure Code. The Committee considered the suggestion, but finally decided against it as the procedure under the Civil Procedure Code would be somewhat complicated.

Clause 192 (191).—For the sake of clearness the words " by this Regulation " have been omitted and the words " by any person under this chapter " have been inserted after the words " directed to be paid."

Clause 203 (202).—We consider that the limitation that the balance of the Municipal fund should not fall below a certain minimum at all times will be unworkable and hamper the Municipal Council. Hence the words " and the balance of the Municipal fund does not fall below a sum which the Government may, from time to time, fix in this behalf generally for all Municipalities or specially for any Municipality " have been deleted.

Clause 204 (203) (3) (*d*).—As a change consequential on the above alteration, the words " such sum as may from time to time be fixed by the Government, generally for all Municipalities or specially for any Municipality " have been substituted for the words " the sum fixed under sub-section (1) of Section 202."

Clause 205 (204).—The marginal heading " Revision of budget " is inserted.

In para (b) for the words and figures " sub-section (1) of section 202 " the words, letter, figures and brackets " clause (d) of sub-section (3) of section 204 " are substituted.

Clause 207 (206) (1).—For the words "a Government auditor," the words "an auditor appointed by the Government" are substituted.

Clause 207 (206) (2).—For the words "or if the auditor is a Government auditor, then" the words "and in the case of a Government auditor" are substituted.

Clause 212 (211).—We consider that it will be more convenient and expeditious to recover these amounts through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the Court" the words "by the Deputy Commissioner as an arrear of land revenue" are substituted.

Clause 215 (214) (2).—This sub-clause is recast as follows:—

"(2) In a municipality for which there is a municipal commissioner, the municipal commissioner, and in other municipalities, the president, shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon."

Clause 215 (214) (3).—For the word "shall" the word "may" is substituted.

Clause 220 (219) (1).—We have recast this sub-clause as follows:—

"The Government after consulting the municipal council may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify."

Clause 221 (220) (1).—We consider that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the works should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly we have inserted the words "after consulting the municipal council" after the words "at any time" and deleted the words "convenience or" in para (*a*), inserting the word "or" before the word "safety."

Clause 225.—We consider that the Government should have the power in case of default by a municipal council to pay its dues to the Government to direct the person having custody of the municipal funds to pay to the Government such amounts due in priority to any other charge. A clause as follows has been added after the present clause 223, the subsequent clauses being renumbered.

Power to Government to direct person custody of municipal funds to pay Government dues.

"225. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the Municipal council admit, be bound to comply with such order."

Clause 226 (224).—We consider it desirable that Government should also have the power to dissolve a municipal

council in cases of incompetency, as this may in some cases be a sufficient remedy, being less drastic than supersession. Accordingly the following amendments are made in the clause :—

(*a*) In sub-clause (1) for the words "If in the opinion of the Government" the words "If after such enquiry as the Government may consider necessary, the Government is of opinion that" are substituted and after the words "as the case may be" and" the words "may dissolve such municipal council or" are inserted.

(*b*) In line 1 of sub-clause (2) between the words "so" and "superseded" the words "dissolved or" are inserted.

(*c*) In sub-clause 2 (*a*) for the words "as from the date of the order" the words "in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession" are inserted.

(*d*) In sub-clause (2) (*b*) and sub-clause (2) (*c*) after the word "period" the words "between dissolution and reconstruction or" are inserted.

(*e*) The following is inserted after sub-clause (2) as sub-clause (3), sub-clause (3) being re-numbered and sub-clause (4) being deleted.

"(3) On the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted :—

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be."

Clause 228 (226) (2).—Consequent on the amendment of clause 49 (*b*) which we have made, power to make rules in special matters specified in that clause relating to staff of officers, etc., is provided by inserting in para (*c*) of the sub-clause the letter and brackets "(*b*)" between the words "clauses" and the letter and brackets "(*c*)," and para (*e*) of the sub-clause (*e*) is omitted.

We consider that the power to make rules prescribing taxes, etc., should remain with the municipal council and that the Government need not have this power. Accordingly we have deleted the letter and bracket "(*h*)" from sub-clause (2) (*c*), and transposed the word "and" before "(*g*)".

Para (*k*) of the sub-clause relating to intermediate offices through which correspondence between municipal councils and the Government or the Government Officers has to pass is considered unnecessary and deleted.

We consider that Government should have power to make rules in respect of all matter connected with the grant of permission under clause 116 which we have newly inserted. The following para has therefore been added as para (*m*) of the sub-clause :—

"(*m*) for the regulation of all matters connected with the grant of permission under section 116."

Clause 228 (226) (4).—We consider that rules under this Regulation should be made by the Government after

previous publication and have re-cast the sub-clause as follows:—

"(4) The power of Government to make rules under this Regulation shall be subject to the condition of previous publication. All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and shall thereupon have effect as if enacted in this Regulation."

Clause 233 (231).—Mr. H. C. Dasappa suggested that all Municipalities should have only Commissioners and that the provision for Chief Officers was unnecessary. This was not approved.

Clause 240 (238) (3).—The sub-clause is recast as follows:—

"The Municipal Commissioner shall be removeable from office by the Government, if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal."

Clause 245 (243) (1).—We consider that the President himself may furnish to Government copies of resolutions passed at the meetings of the municipal councils, and accordingly the letter and brackets "*(f)*," in the sub-clause are omitted.

Clause 245 (243) (3).—In consequence of the amendment made in clause 73, the word and figure "Section 73(" are inserted above the word and figure "Section 81," in sub-clause.

With regard to the powers under section 81, we consider that the municipal commissioner may sanction remissions and refunds up to two hundred and fifty rupees only and we have inserted the words "except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees\" after the word and figure "Section 81(" in the sub-clause.

Clause 245 (243) (3).—*Proviso (a)*. We consider that in cases falling under section 115 (6) (*b*) also the municipal commissioner should act subject to the general or special orders of the municipal council and accordingly after the word and figure "Section 110" the words, figures, letter and brackets "sub-section (6) (*b*) of section 115" are inserted.

Clause 248 (246) (1).—We consider that the power of the municipal commissioner to appoint persons without reference to the municipal council may be limitted to posts carrying a monthly salary not exceeding Rs. 60 and that his power to fine, reduce etc., should be co-extensive with his power to appoint, and we have accordingly substituted the word "sixty" for the words "one hundred" and deleted the proviso to the sub-clause.

Clause 249 (247).—We consider that appeal should lie to the municipal council from the orders of the municipal commissioner in the following cases also:—

(*i*) Sub-section (4) of section 107,

(*ii*) Clause (*b*) of sub-section (6) of section 115, and

(*iii*) Section 192 (191).

The clause has been amended accordingly.

Schedule II A class I.—We consider that the maximum rate of octori on betel leaves may be fixed at one pie per 100 leaves and we have substituted "0-0-1" for "0-0-2" against "betel leaves".

Clause 12 (1).—We consider that persons who have accepted employment as legal practitioners against a municipal council and those that are employed as paid legal practitioners on behalf of a municipal council should, as provided in the Madras Act be disqualified to be councillors of such municipal council. Accordingly the following has been added after para (*f*), the word "or" being added at the end of the said para.

"(*g*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a Municipal Council."

Consequent on this addition para (v) of proviso (*c*) of the sub-clause which provided for the exemption of legal practitioners from disqualification to be councillors has been omitted, the succeeding paras of the proviso being renumbered.

Clause 12 (2).—As regards the provision in para (*c*) of the sub-clause disabling a member from continuing as a councillor if he departs beyond the limits of Mysore, we are of opinion that as it is difficult to ascertain the intention of the absentee member, the provision is unworkable in practice and should be deleted. It is considered that the provision in para (*e*) is a sufficient safeguard against continued absence, and that the para should be suitably amended so that the Municipal Council shall not have power to grant leave in case of absence exceeding six successive months. Accordingly para (*c*) of the sub-clause has been omitted, the subsequent paras being renumbered and para (*e*) has been recast as follows:—

"(*d*) not being a salaried servant of the Government absents himself from the meetings of the Municipal Council during four successive months except with the leave of the municipal council provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or"

We consider that all persons who are disabled by the provisions of this sub-section should be eligible for re-election or re-appointment when the disability has ceased. Accordingly the words, letters and brackets "clauses (a) to (d) and (f) of" in the last para of this sub-section are deleted.

Clause 22 [22].—This has been transferred next after clause 21 with the heading "(5) *Municipal Government*" and numbered as clause 22, the original clause 22 being numbered as clause 23.

[22]

Clause 23.—The heading of the sub-chapter to original clause 22 numbered as clause (23) *viz.*, "Presidents and Vice-Presidents" has been numbered "(6)."

The paras of the sub-clause are re-arranged so that para (d) may come first and then para (c) followed by paras (a) and (b).

[ ]

Clause 23 (22) (4).—We consider that the Vice-Presidents should always be elected and accordingly the proviso of the sub-clause has been omitted.

[ ]

Clause 23 (22) (8) and (14).—Consequent on the above change the words "appointment or" in the last line but one and the words "as the case may be" in the last line of clause 23 (22) (8), and the words "or Vice-President" in the last line of clause 23 (22) (14) are omitted.

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DRAFT REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE CITY MUNICIPALITIES BILL.

We, the undersigned members of the Select Committee, to which the Mysore City Municipalities Bill was referred, have considered the Bill at the meetings held on the 22nd, 23rd, and 24th September and the 7th and 8th October 1932, and have the honour to submit this our report with the bill as amended by us annexed hereto.

In this report, we deal only with those provisions of the Bill which require special mention. Some other minor alterations which are mostly verbal, have been indicated in the bill annexed thereto.

We consider that it is unnecessary to republish the entire bill as amended and that it would be sufficient if those clauses of the Bill which have undergone substantial change are published in the Gazette.

The following notes on clauses explain the amendments which we have made in the original bill :—

Note.—Figures in square brackets show the numbering of clauses in the original Bill.

Clause (4).—We consider it expedient to provide a sub-clause for the vesting in the Government of property, etc., of Municipal Councils which have ceased to exist, as provided for in the Town Municipalities Bill. We have accordingly added the following as sub-clause (4) :—

"(4) When any local area ceases to be a City Municipality, the Municipal Council constituted therein shall cease to exist and the property and rights vested in any such municipal Council shall, subject to all charges and liabilities affecting the same, vest in the Government, and the proceeds thereof, if any, shall be expended under the orders of the Government for the benefit of the local area in which such Municipal Council had jurisdiction."

Property and rights of Municipal Council which has ceased to exist to vest in Government.

Clause 5 (3).—We consider that if a Town Municipality is constituted as a City Municipality, bye-laws in force in such municipalities should also continue to have force therein as well as notifications, orders, rules, etc., and consequently after the word "rule" in each of the three places where it occurs in the sub-clause, the word "bye-law" is inserted.

Clause 9 (2).—We decided by a small majority that the elected element in the composition of Municipal Councils should not be less than four-fifths. Accordingly, in each of the two places where the words "two-thirds" occurred, the words "four-fifths" are substituted.

Clause 9 (3).—In order to provide for a possibility of having a fully elected element it was decided to add a sub-clause on the lines of the Bombay City Municipalities Act as follows, the existing sub-clause (3) being re-numbered as (4) :—

"(3) Notwithstanding anything contained in sub-sections (1) and (2) above, the Government may direct that all the councillors shall be elected."

Clause 23 (22) (11).—We consider that attachment of property by itself should not constitute a reason for removal of Presidents and Vice-Presidents and accordingly in the explanation to the sub-clause, para (b) is omitted, and further necessary verbal changes are made.

Clause 23 (22) (12).—We are of opinion that the Government should have the power to limit to one year the term of not only elected presidents but also Vice-Presidents. The proviso to the sub-clause has been re-cast as follows :—

"Provided that in the case of elected presidents or Vice-Presidents or both the Government may in special cases, with the consent of the Municipal Council concerned, direct that their term be limited to one year and that elections therefor be held every year."

Clause 24 (3).—It was considered expedient that all correspondence between the Municipal Council and the Government should be through the presidents and consequently the word "official" was deleted from this clause.

Clause 27 (14).—In order to make it clear that the resolution which is passed must have the support of at least one-half the whole number of members, the sub-clause is amended by substituting the word "passed" for "supported", and omitting the words "and passed."

Clause 29 (3).—We consider it expedient to give a right of appeal to the President from the orders of the Municipal Commissioner in cases of refusal to give access to Municipal records and accordingly, the following is added at the end of the sub-clause :—

"The Councillor may appeal from the orders of the Municipal Commissioner to the President whose decision shall be final."

Clause 29 (4).—We consider that the President should have free access to all the records when there is a Municipal Commissioner and that the Municipal Commissioner should comply with all requisitions of the President for information appertaining to Municipal administration. The following sub-clause is added after sub-clause (3) :—

"(4) In a Municipality for which there is a municipal commissioner, the president shall have full access to all the records of the municipality and the municipal commissioner shall comply, without unreasonable delay, with any requisition of the president for any information appertaining to the municipal administration."

Clause 36 (4).—The words and numbers "kept under sub-section (9) of section 27." at the end of the sub-clause are deleted as being unnecessary.

Clause 44 (2).—The words "municipal commissioner" are substituted for the words "Chief Executive Officer." In order that the liability of the officers of the Municipality due to their misconduct may be similar to that of the members, the words "has been caused or facilitated by his" are inserted before the last word "misconduct."

Clause 49 (*b*).—We consider that the municipal council should have the power to make rules to determine the staff to be employed, their duties, salaries, etc. We have therefore inserted as para (*ii*) of this sub-clause the

following provision similar to section 46 (*b*) (*ii*) in the present Regulation :—

"(*ii*) determining the staff of officers and servants to be employed by the municipal council and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and the powers and duties delegated to them under section 38."

Clause 53 (2).—We consider that para (*a*) as it stands may lend itself to the interpretation that temples, mosques, churches, etc., which are public buildings, and also Government buildings unless they are shown to have been specially reserved by the Government, vest in the municipal council and that it is desirable that buildings should be in the same category as land so far as the proprietory right of the municipality is concerned. Accordingly, the words "and public buildings of ~~any~~ description" in para (*a*) are omitted and the words "and buildings" are inserted after the words "all land" in para (*e*).

Clause 55.—We consider that this clause is too cumbersome and have replaced it by the following :—

Municipal property and fund how to be applied.

"55. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections 58, 59 and 61 and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and with the previous sanction of the Government, for any other purpose for which the application of such property or fund is in the public interests."

Clause 61 (*s*).—The words "one-half" are substituted for the words "two-thirds."

Clause 61 (*u*).—We consider that the advancement of the economic condition of the inhabitants should also be a discretionary function of the municipal council. Accordingly the words "the advancement of the economic condition of the inhabitants or" are inserted after the words "public health, safety or convenience or"

In this sub-clause also, the words "one half" are substituted for the words "two thirds."

Clause 64 (*ix*).—~~The majority of us~~ are of opinion that the water rate should not be fixed at a very high rate but should be such that it is reasonable considering the expenses incurred for providing the water supply. Accordingly, the following has been inserted in column 2 of Schedule I against item D "Water rate or water rates."

"Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply."

Clause 72.—We consider that from the orders of the Municipal Commissioner acting as revising authority, there should be an appeal to the managing committee and that its decision should not be liable to revision by or be appealable to the Municipal Council. We have accordingly inserted after sub-clause (4) the following sub-clause, the succeeding sub-clause being re-numbered :—

"(5) From every order of the Municipal Commissioner under sub-section (4), there shall be an appeal in

accordance with the rules to be framed by the Municipal Council in this behalf to the managing committee whose decision shall be final, notwithstanding anything contained in sub-section (2) of section 37."

Consequent on the insertion of the above, sub-clause (5) has been re-cast as shown below, sub-clauses (6) and (7) being re-numbered :—

"(6) When all objections made under this section and appeals under sub-section (5) have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority."

Clause 73 (1).—As the revising authority may become *functus officio* after the revision work is completed, it will be the functions of the Municipal Council to amend the assessment list as occasion arises subsequently. The words "Municipal Council" have therefore been substituted for the words "revising authority."

Clause 83 (5).—We are of opinion that composition of octroi should not be permitted as it may lead to abuse. This clause is therefore deleted sub-clause (6) being re-numbered as (5) and the word and figures "(4) and (5)" therein being altered into "and (4)."

Clause 89 (2).—The words "on conviction by a magistrate" are inserted between the words "shall" and "be" in order to make it clear that the fine should be imposed only by a magistrate.

Clause 94 (1).—We consider that the farming of tolls should be annual and have inserted the words "annually" after the words "to lease."

Clause 106 (104).—This has been transferred next after existing clause 106, the existing clauses 105 and 106 being numbered as 104 and 105 respectively.

Clause 109 (1).—For the words "either as existing or as determined upon for the future," the words "as prescribed under section 108" are substituted to make the meaning clear.

Clause 115 (5).—The last sentence of the sub-clause is omitted as unnecessary.

Clause 116.—We consider that the Government should have reserve power to prohibit the putting up of buildings without special permission of the Government in specified areas if such prohibition is in the public interest. A new clause as follows has therefore been inserted as clause 116 after clause 115, and penalty is also provided for infringement of such prohibitory order, the subsequent clauses being suitably re-numbered :—

Power of Government to prohibit the erection of buildings in certain areas without permission.

"116. (1) Notwithstanding anything contained in section 115, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the official gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf ;

Provided that such permission shall not be refused in the case of land which had been set apart as a building site by the Government or the municipal council prior to the publication of such notification ;

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by the Government in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall be punished with fine which may extend to two hundered rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2)."

Clause 166 [165] (3).—We consider that license should be obtained for burning bricks in all cases and consequently the words " for other than trade purposes " have been deleted in the sub-clause as also in the marginal heading.

Clause 168 [167] (3).—The words " for a period not exceeding one year at a time " have been inserted after the word " lease."

Clause 179 (178) (2) (*c*).—We consider that the appellate authority from the order of the Municipal Council prohibiting erection of buildings in overcrowded areas should be an officer who may be empowered by the Government in this behalf and we have accordingly substituted the words " an officer who may be empowered by the Government in this behalf and " for the words " the Deputy Commissioner."

Clause 185 (184).—It was suggested by Mr. H. C. Dasappa, that the manner of service of notices which give directions disobedience whereof would be an offence under this Regulation should be more formal than provided for here, and should be in accordance with the provisions of the Civil Procedure Code. The Committee considered the suggestion, but finally decided against it as the procedure under the Civil Procedure Code would be somewhat complicated.

Clause 192 (191).—For the sake of clearness the words " by this Regulation " have been omitted and the words " by any person under this chapter " have been inserted after the words " directed to be paid."

Clause 203 (202).—We consider that the limitation that the balance of the Municipal fund should not fall below a certain minimum at all times will be unworkable and hamper the Municipal Council. Hence the words " and the balance of the Municipal fund does not fall below a sum which the Government may, from time to time, fix in this behalf generally for all Municipalities or specially for any Municipality " have been deleted.

Clause 204 (203) (3) (*d*).—As a change consequential on the above alteration, the words " such sum as may from time to time be fixed by the Government, generally for all Municipalities or specially for any Municipality " have been substituted for the words " the sum fixed under sub-section (1) of Section 202."

Clause 205 (204).—The marginal heading " Revision of budget " is inserted.

In para (b) for the words and figures " sub-section (1) of section 202 " the words, letter, figures and brackets " clause (d) of sub-section (3) of section 204 " are substituted.

Clause 207 (206) (1).—For the words "a Government auditor," the words "an auditor appointed by the Government" are substituted.

Clause 207 (206) (2).—For the words "or if the auditor is a Government auditor, then" the words "and in the case of a Government auditor" are substituted.

Clause 212 (211).—We consider that it will be more convenient and expeditious to recover these amounts through the Deputy Commissioner as arrears of land revenue and accordingly for the words "on an application made by the municipal council to the court in the same way as an amount decreed by the Court" the words "by the Deputy Commissioner as an arrear of land revenue," are substituted.

Clause 215 (214) (2).—This sub-clause is recast as follows:—

"(2) In a municipality for which there is a municipal commissioner, the municipal commissioner, and in other municipalities, the president, shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon."

Clause 215 (214) (3).—For the word "shall" the word "may" is substituted.

Clause 220 (219) (1).—We have recast this sub-clause as follows:—

"The Government after consulting the municipal council may direct that such public works as in the opinion of the Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may specify."

Clause 221 (220) (1).—We consider that before Government constructs works of a permanent nature on behalf of a municipal council, the municipal council should be consulted, and the works should be limited to such as are necessary for the health or safety of the inhabitants and not extended to those that are for their convenience. Accordingly we have inserted the words "after consulting the municipal council" after the words "at any time" and deleted the words "convenience or" in para. (*a*), inserting the word "or" before the word "safety."

Clause 225.—We consider that the Government should have the power in case of default by a municipal council to pay its dues to the Government to direct the person having custody of the municipal funds to pay to the Government such amounts due in priority to any other charge. A clause as follows has been added after the present clause 223, the subsequent clauses being renumbered.

Power of Government to direct person custody of municipal funds to pay Government dues.

"225. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the Municipal council admit, be bound to comply with such order."

Clause 226 (224).—We consider it desirable that Government should also have the power to dissolve a municipal

council in cases of incompetency, as this may in some cases be a sufficient remedy, being less drastic than supersession. Accordingly the following amendments are made in the clause: —

(*a*) In sub-clause (i) for the words "If in the opinion of the Government" the words "If after such enquiry as the Government may consider necessary, the Government is of opinion that" are substituted and after the words "as the case may be and" the words "may dissolve such municipal council or" are inserted.

(*b*) In line 1 of sub-clause (2) between the words "so" and "superseded" the words "dissolved or" are inserted.

(*c*) In sub-clause 2 (*a*) for the words "as from the date of the order" the words "in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession as from the date of the order of supersession" are inserted.

(*d*) In sub-clause (2) (*b*) and sub-clause (2) (*c*) after the word "period" the words "between dissolution and reconstruction or" are inserted.

(*e*) The following is inserted after sub-clause (2) as sub-clause (3), sub-clause (3) being re-numbered and sub-clause (4) being deleted.

"(3) ~~On~~ After the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted: —

(i) in the case of dissolution on the date specified in the order, or

(ii) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be."

Clause 228 (226) (2).—Consequent on the ~~amendment~~ insertion of clause 49 (*b*) which we have made, power to make rules in special matters specified in that clause relating to staff of officers, etc., is provided by inserting in para (*c*) of the sub-clause the letter and brackets "(*b*)" between the words "clauses" and the letter and brackets "(*c*)," and para (*e*) of the sub-clause is omitted.

We consider that the power to make rules prescribing taxes, etc., should remain with the municipal council and that the Government need not have this power. Accordingly we have deleted the letter and bracket "(*h*)" from sub-clause (2) (*c*), and transposed the word "and" before "(*g*)".

Para (*h*) of the sub-clause relating to intermediate offices through which correspondence between municipal councils and the Government or the Government Officers has to pass is considered unnecessary and deleted.

We consider that Government should have power to make rules in respect of all matter connected with the grant of permission under clause 116 which we have newly inserted. The following para has therefore been added as para (~~e~~) of the sub-clause (~~4~~)

"(~~e~~)" for the regulation of all matters connected with the grant of permission under section 116;

Clause 228 (226) (4).—We consider that rules under this Regulation should be made by the Government after

previous publication and have re-cast the sub-clause as follows :—

"(4) The power of Government to make rules under this Regulation shall be subject to the condition of previous publication. All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada and shall thereupon have effect as if enacted in this Regulation.

Clause 233 (231).—Mr. H. C. Dasappa suggested that all Municipalities should have only Commissioners and that the provision for Chief Officers was unnecessary. This was not approved.

Clause 240 (238) (3).—The sub-clause is recast as follows :—

"The Municipal Commissioner shall be removeable from office by the Government, if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal.

Clause 245 (243) (1).—We consider that the President himself may furnish to Government copies of resolutions passed at the meetings of the municipal councils, and accordingly the letter and brackets "*(f)*" in the sub-clause are omitted.

Clause 245 (243) (3).—In consequence of the amendment made in clause 73, the word and figure "Section 73," are inserted above the word and figure "Section 81," in sub-clause.

With regard to the powers under section 81, we consider that the municipal commissioner may sanction remissions and refunds up to two hundred and fifty rupees only and we have inserted the words "except in cases where the amount to be remitted or refunded exceeds two hundred and fifty rupees" after the word and figure "Section 81" in the sub-clause.

Clause 245 (243) (3).—*Proviso (a)*: We consider that in cases falling under section 115 (6) (*b*) also the municipal commissioner should act subject to the general or special orders of the municipal council and accordingly after the word and figure "Section 110" the words, figures, letter and brackets "sub-section (6) (*b*) of section 115" are inserted.

Claase 248 (246) (1).—We consider that the power of the municipal commissioner to appoint persons without reference to the municipal council may be limitted to posts carrying a monthly salary not exceeding Rs. 60 and that his power to fine, reduce etc., should be co-extensive with his power to appoint, and we have accordingly substituted the word "sixty" for the words "one hundred" and deleted the proviso to the sub-clause.

Clause 249 (247).—We consider that appeal should lie to the municipal council from the orders of the municipal commissioner in the following cases also :—

(*i*) Sub-section (4) of section 107,

(*ii*) Clause (*b*) of sub-section (6) of section 115, and

(*iii*) Section 192 (191).

The clause has been amended accordingly.

Schedule II A class I.—We consider that the maximum rate of octori on betel leaves may be fixed at one pie per 100 leaves and we have substituted "0-0-1" for "0-0-2" against "betel leaves".

Copy of the Bill as amended by the Select Committee

N.B. – Portions ~~deleted~~ by the Select Committee are enclosed in square brackets and portions added are printed in italics.

The Mysore City Municipalities Bill

~~(As amended by the Select Committee)~~

A BILL TO MAKE BETTER PROVISION FOR THE MANAGEMENT OF MUNICIPAL AFFAIRS IN CITIES IN MYSORE.

WHEREAS it is expedient to make better provision for the management of municipal affairs in city municipalities in Mysore, it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title. 1. (1) This regulation may be cited as the Mysore City Municipalities Regulation, 19 .

Local extent. (2) It extends to the whole of Mysore.

Commencement (3) It shall come into force on the first day of.....

CHAPTER II.

CONSTITUTION OF MUNICIPAL COUNCILS.

(1) *Municipalities.*

Delimitation of city municipalities. 4. (1) Subject to the provisions of sections 6 and 7, the Government may, from time to time, by notification in the official gazette, declare any local area to be a city municipality, and may, from time to time, by a like notification, extend, contract or otherwise alter the limits of any such municipality, or declare that any local area shall, from a date to be specified in the notification, cease to be a city municipality.

Limits to be specified in notification. (2) Every such notification constituting a new city municipality, or altering the limits of an existing city municipality, shall clearly set forth the local limits of the area to be included in or excluded from such municipality, as the case may be.

Erection and maintenance of boundary marks. (3) It shall be the duty of the municipal council in every city municipality already existing and of every city municipal council newly constituted under this regulation, and of every city municipal council whose local limits are altered as aforesaid, to cause, at its own cost, to be erected or set up, if and when so required by the Deputy Commissioner, and thereafter to maintain, at its own cost, substantial boundary marks of such description and in such position as shall be approved by the Deputy Commissioner, defining the limits or the altered limits of the municipality subject to ~~their~~ authority, as set forth in the notification.

(2)

(3)

9. (1) Except as is hereinafter otherwise provided, every such municipal council shall consist of—

Municipal councils to consist of elected and nominated councillors.

(*a*) elected councillors;

(*b*) nominated councillors, if any, that is to say, such persons as from time to time—

(i) are by name appointed in this behalf, or

(ii) are executing the functions of any office from time to time notified in this behalf, by the Government.

In specified proportions.

(2) The number of elected councillors shall not be less than two-thirds of the whole number of councillors; and of the number of nominated councillors, the salaried servants of the Government, if any, shall not exceed one-half.

Provided that when a president appointed by Government under clauses (*a*) and (*b*) of sub-section (2) of section 22 or when a president elected under clause (*d*) of the same sub-section is not a councillor, the two-thirds of the whole number mentioned in this section shall be exclusive of the president so appointed or elected and the president so appointed or elected shall be an additional councillor.

(3) Any vacancies due to failure to elect the full number of elected councillors which under this section might be elected and any vacancy due to failure to elect a councillor under section 16 or 17 may, notwithstanding anything contained in this regulation, be filled up by nomination by the Government.

(3) Municipal Councillors.

General disqualifications for becoming a councillor.

12. (1) No person may be a councillor—

(*a*) who has been sentenced by a criminal court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed, or

(*ii*) who is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed, or

(*iii*) who has been dismissed from municipal, district board or Government Service, such dismissal having been notified as debarring him from re-employment, or

(*iv*) who was a legal practitioner whose sannad has been withdrawn by the High Court, or

(*v*) who has been removed from office under section 14 of this regulation or section 14 of the Mysore Town Municipalities Regulation, 19.., or under section 14 of the Mysore Minor Municipalities Regulation, 19.., or

(*b*) who is an undischarged insolvent, or

(*c*) who is less than twenty-one years of age, or

(*d*) who is a judge;

and no person,

(*e*) who is a subordinate officer or servant of a ~~municipal council, or~~

(*f*) who save as hereinafter provided, has directly or indirectly by himself or his partner any share or interest in any work done by order of a municipal council, or in any contract or employment with or under, or by or on behalf of a municipal council, or

(*g*) who is employed as paid legal practitioner on behalf of a municipal council or accepts employment as legal practitioner against a municipal council,

may be a member of such municipal council.

Provided that—

~~(*a*) the disqualification in sub-clause (*ii*) of clause (*a*) will cease to operate after the expiry of the period during which a person is ordered to furnish security;~~

~~(*b*) the disqualification in sub-clauses (*i*), (*iii*), (*iv*) and (*v*) of clause (*a*) will cease to operate after the expiry of three years from the date of such sentence, dismissal, withdrawal or removal or earlier by an order of the Government;~~

(*c*) a person shall not be deemed to have incurred disqualification under clause (*f*) by reason of his—

(*i*) having any share or interest in any lease, sale or purchase of any immovable property or in any agreement for the same, or

(*ii*) having a share or interest in any joint-stock company otherwise than as a managing director or agent or in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, 1918, which shall contract with or be employed by, or on behalf of, the municipal council, or

(*iii*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the municipal council may be inserted, or

(*iv*) holding a debenture or being otherwise interested in any loan raised by or on behalf of the municipal council, or

(*v*) being professionally engaged on behalf of the municipal council as a legal practitioner, or

[(vi)] having a share or interest in the occasional sale of any article in which he regularly trades, to the municipal council to a value not exceeding, in any one official year, such amount as the municipal council, with the sanction of Government, may fix in this behalf, or

[(vii)] having a share or interest in the occasional letting out on hire to the municipal council or in the hiring from the municipal council, of any article for an amount not exceeding in any official year fifty rupees, or such higher amount not exceeding two hundred rupees as the municipal council with the sanction of the Government may fix in this behalf, or

[(viii)] being a party to any agreement made with the municipal council under the provisions of section 83 or of proviso (a) to sub-section (1) of section 187.

If any person is elected or nominated as a councillor in contravention of the above provisions, his seat shall be deemed to be vacant.

(2) If any councillor during the term for which he has been elected or appointed—

Disabilities from continuing a councillor.

(a) becomes subject to any disqualification specified in sub-section (1) or

(b) votes or takes part as a councillor in the discussion of any matter—

(i) in which he has directly, or indirectly, by himself or his partner, any such share or interest as is described in sub-clauses (i), (ii), (iii), (vi), or (viii) of clause (c) of the proviso to sub-section (1), whatever may be the value of such share or interest, or

(ii) in which he is professionally interested on behalf of a principal or other person, or

(iii) in which he is engaged at the time in any proceeding against the municipal council, or

[(c) departs beyond the limits of Mysore with the declared or known intention of absenting himself continuously for a period exceeding six months, or]

[(d)] by becoming a salaried servant of Government causes the number of nominated councillors who are salaried servants of Government to exceed the proportion prescribed in sub-section (2) of section 9, or

[(e) not being a salaried servant of the Government, absents himself during four successive months from the meetings of the municipal council, except with the leave of the municipal council, or]

(d) not being a salaried servant of the Government, absents himself from the meetings of the municipal council during four successive months except with the leave of the municipal council, provided that no such leave shall be granted in case of absence from the meetings of the municipal council during a period exceeding six successive months, or

[(f)] fails to pay any arrears of any kind due by him to the municipal council within three months after a special notice in this behalf has been served upon him,

he shall be disabled from continuing to be a councillor, and his office shall become vacant.

A councillor whose office has become vacant under clauses (a) to (d) and (f) of this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.

Power of Government to decide whether vacancy has occurred.

(3) If any question or dispute arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question or dispute.

(5) Municipal government

22 [23] (1) Except as in this regulation otherwise expressly provided, the municipal government of a municipality vests in the municipal council. Municipal government to vest in the municipal council.

(2) In a municipality for which there is a municipal commissioner, the executive power for the purpose of carrying out the provisions of this regulation vests in the municipal commissioner, subject, wherever it is in this regulation expressly so directed, to the approval or sanction of the municipal council and subject also to all other restrictions, limitations and conditions imposed by this regulation.

(6) *Presidents and Vice-Presidents.*

23 [22.] (1) For every municipal council there shall be a president, and if and whenever the municipal council so desires, a vice-president. Every municipal council to have a president and if the municipal council so desires, a vice-president.

(2) The president may be— President to be appointed or elected.

[(*a*) appointed by the Government by name, or

(*b*) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government, from time to time, notifies in this behalf, or

(*c*) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(*d*) if the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf.]

(a) if the Government so directs, elected by persons entitled to vote under sub-section (2) of section 11 subject to the rules prescribed in this behalf, or

(b) if the Government so directs, elected by the councillors from among their number in accordance with the rules prescribed in this behalf, or

(c) appointed by the Government by name or

(d) appointed by the Government ex-officio, that is to say, as executing the functions of any office which the Government, from time to time, notifies in this behalf.

(4) The vice-president shall be elected by the councillors from among their number in accordance with the rules prescribed in this behalf.

Vice-president to be elected except when appointed by Government.

Provided that the Government may, for special reasons and in the case of such municipal councils as it may deem fit, appoint the vice-president by name.

Limit of grant of leave and arrangements during leave.

(8) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a president and there is no vice-president for the council or the office of the vice-president is vacant, the vacancy shall be filled up by election by the council from among the councillors whether the president was elected under clause (c) or (d) of sub-section (2), within such period and in such manner as may be prescribed. If the council fails to elect the president or if the appointment of the president was under clause (a) of sub-section (2), the Government may fill up the vacancy. When leave is granted to a vice-president or when the vice-president is acting for the president, the vacancy in the office of the vice-president may be filled up by appointment or election, as the case may be, of some other councillor thereto.

Vacation of office by president and vice-president for want of confidence.

(10) Every president, other than an official president appointed *ex-officio* or by name and every vice-president of a municipal council shall forthwith be deemed to have vacated his office

(*a*) if a resolution expressing want of confidence in him is passed by a majority of not less than two-thirds of the whole number of councillors at a special general meeting convened for the purpose; or

(*b*) if resolutions expressing want of confidence in him are passed by the votes of not less than one-half of the whole number of councillors at two special general meetings convened for the purpose within an interval of not less than one month and not more than four months from each other.

Removal of presidents and vice-presidents.

(11) Every president and vice-president shall, after an opportunity is afforded for hearing him, be removable from his office as such president or vice-president by the Government for misconduct in the discharge of his duties or for neglect of or incapacity to perform his duties or if he is unable to pay his debts;

Explanation.—A person may be presumed to be unable to pay his debts if,

[(a)] he is under arrest or imprisonment in execution of the decree of any court for the payment of money [or]

[(b)] an order of attachment in execution of such a decree has been made and is subsisting against his property.]

Term of office of president and vice-president.

(12) The term of office of every president and of every vice-president shall, save as otherwise provided in this regulation, cease on the expiry of his term of office as councillor.

[Provided that in the case of elected Presidents, Government may in special cases, direct elections every year with the consent of the municipal councils concerned.]

Provided that in the case of elected presidents or vice-presidents of town the Government may in special cases, with the consent of the municipal councils concerned, direct that their term be limited to one year and that elections therefor be held every year.

Remuneration of president and vice-president of municipal council.

(14) The president or vice-president of any municipal council who is not a Government officer may receive out of the municipal fund such monthly [salary or] allowances as such municipal council may sanction from time to time with the approval of Government. It shall be lawful for any municipal council to pay out of the municipal fund with the sanction of Government salary or allowances to any Government officer who is appointed as president [or vice-president.]

Functions of presidents.

24. (1) Subject to the provisions of chapter XIII and XIV, it shall be the duty of the president of a municipal council to—

(2)

Channel of [official] communication with Government.

(3) All [official] correspondence between a municipal council and the Government shall be conducted through the president. The president shall without delay transmit all communications addressed through him by the municipl commissioner to the Government or by the Government to the municipal commissioner.

CHAPTER III.

Conduct of Business.

(1) *Municipal Meetings.*

27. The following provisions shall be observed with respect to the meetings of a municipal council:— Provisions in regard to meetings of a municipal council.

(14) No resolution of a municipal council shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one-half of the whole number of councillors and passed at a general meeting whereof notice shall have been given, fulfilling the requirements of sub-section (3) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting, and the motion or proposition for the modification or cancellation of such resolution. Modification and cancellation of resolutions.

Duties and powers of individual councillors.

29. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property or the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the president and to move resolutions on matters connected with the municipal administration, subject to such regulations as may be framed by the council.

(3) Every councillor shall have access to the records of the municipal council after giving due notice to the municipal commissioner, when there is one, and in other cases to the president, provided that the municipal commissioner or the president may for reasons given in writing forbid such access.

Procedure by circular. 36 (1) (2) (3)

Procedure by circular.

36. (1) Notwithstanding anything contained in the preceding section, the chairman of a committee may, instead of convening a meeting, circulate a written proposition of his own, or of any other member of the committee or of any executive officer of the municipal council, for the observation and votes of the members of the committee.

Propositions when to be sent to Government officers for remarks.

(2) Previous to circulating any such proposition as aforesaid, the chairman may, if he thinks fit, and, if the business to which it relates is of the nature described in sub-section (15) of section 27, shall obtain thereupon the remarks, if any, which any Government officer, not a councillor, whose presence the municipal council would be entitled to require under the provisions of clause (*b*) of sub-section (16) of section 27, desires to record.

Decisions how to be taken on propositions circulated.

(3) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members of the committee who vote upon it, unless a special meeting is convened to consider the said proposition.

Sheet

and how to be recorded.

(4) Every decision arrived at by the committee under this section shall be recorded in the minute-book kept under sub-section (9) of section 27.

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(8) *Liabilities of councillors, officers and servants.*

44 (1)

Municipal fund ordinarily liable for all costs and expenses incurred by municipal councils.

44. (1) Except as herein otherwise provided, no president or councillor shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of, the municipal council; the municipal fund shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

Liability of president, vice-president and members for loss, waste or misapplication.

(2) Every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the municipal council, to which he has been a party and for any loss or waste of such money or property which has been caused or facilitated by his misconduct. The president, the vice-president, the chief executive officer, the chief officer, or other officer or person to whom executive powers are delegated or on whom such powers are conferred by or under this regulation, shall be liable for such loss, waste or misapplication, if it is a direct consequence of his neglect or misconduct.

Municipal Commissioner

has been caused or facilitated by his

10

CHAPTER IV.

RULES AND BY-LAWS.

49. Every municipal council shall make rules not inconsistent with this regulation or with the rules made by the Government under section [226] and may from time to time alter or rescind them— Municipal councils to make rules.

(a) regulating the conduct of its business and the delegation of any of its powers or duties and the appointment and constitution of committees; Regulating the conduct of business.

(b) determining the executive functions to be performed by the president, vice-president, the chairman of any committee, the chief officer or the municipal commissioner and the delegation of any of its powers or duties to such persons; Fixing the functions of the president and the establishment

CHAPTER V.

MUNICIPAL PROPERTY AND FUND.

53. (1) Every municipal council may acquire and hold property both movable and immovable, whether within or without the limits of the municipality. Power to acquire and hold property.

(2) All property of the nature hereinafter in this section specified, and not being specially reserved by the Government, shall be vested in and belong to the municipal council and shall, together with all other property of what nature or kind soever, not being specially reserved by the Government, which may become vested in the municipal council, be under its direction, management and control, and shall be held and applied by it as trustee, subject to the provisions and for the purposes of this regulation; that is to say— Property vested in the municipal council.

(a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots and public buildings of every description;

(b) all public streams, tanks, reservoirs, cisterns, wells, springs, aqueducts, conduits, tunnels, pipes, pumps and other water-works, and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains, and all sewers, drains, tunnels, culverts, gutters and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto, as also all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind collected by the municipal council from the streets, houses, privies, sewers, cess-pools or elsewhere;

(d) all public lamps, lamp-posts and apparatus connected therewith, or appertaining thereto;

(e) all lands transferred to it by the Government, or by gift or otherwise, for local public purposes;

(f) all public streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

(3) It shall be competent to the Government from time to time, by notification, to resume any property vested or vesting in the municipal council under this section on such terms as the Government may determine. Power to Government to resume property.

Municipal property and funds how to be applied.

55. All property vested in the municipal council under this regulation, and all funds received by them in accordance with the provisions of this regulation, and all sums accruing to them under the provisions of any law for the time being in force, shall be applied, subject to the provisions and for the purposes of this regulation, within the limits of the municipality.

Provided that any funds granted to the municipal council by the Government for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf.

Provided always that it shall be lawful for the municipal council, with the sanction of the Government or any officer duly authorised by Government in this behalf,—

(*a*) to incur expenditure beyond the said limits—

(i) in the acquisition of land, or

(ii) in the construction, maintenance or repair of works,

for the purpose of obtaining a supply of water required for the inhabitants of the municipality, or of establishing slaughter-houses or places for the disposal of night-soil or of sewage or of carcasses of animals beyond the said limits, or for drainage works, or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the said municipality; or

(*b*) to make a contribution towards expenditure incurred by any other municipal council, or in any area subject to the authority of a local board or incurred out of any public funds for measures affecting the health, instruction or convenience of the public and calculated to benefit the residents within the limits of the contributing municipal council; or

(*c*) to create scholarships tenable outside the limits of the municipality.

Provided further that nothing in this section, or in any other provision of this regulation, shall be deemed to make it unlawful for a municipal council, when with such sanction as aforesaid they have constructed works beyond the limits of the said municipality for the supply of water or for drainage as aforesaid—

(*a*) to supply, or extend to, or for the benefit of, any person or buildings or lands in any place, whether such place is or is not within the limits of the said municipality, any quantity of water not required for the purpose of this Regulation within the said municipality, or the advantages afforded by the system of such drainage works, on such terms and conditions, with regard to payment and to the continuance of such supply or advantages, as shall be settled by agreement between the municipal council and such person or the occupier or owner of such buildings or lands, or

(*b*) to incur any expenditure, on such terms with regard to payment as may be settled as aforesaid, for the construction, maintenance, repair or alteration of any connection pipes, or other works necessary for the purpose of such supply or for the extension of such advantages.

55. The municipal fund and all property held by or vested in the municipal council under this Regulation, shall be applied, subject to the provisions of this Regulation for the purposes specified in sections ~~55, 58 and 59~~ and for all other purposes for which by or under this Regulation or any other law for the time being in force, powers are conferred or duties imposed upon the municipal council and, with the previous sanction of the Government for any other purpose for which the application of such property or fund is in the public interests.

Application of municipal fund and property.

58, 59 and 61

Duties

CHAPTER VI.

Obligatory and Discretional Functions of Municipal Councils.

Discretionary powers of expenditure of municipal council.

61. Municipal councils may, at their discretion, provide out of the said property and fund, either wholly or partly, for

(*a*) laying out, whether in areas previously built upon or not, new public streets, and acquiring the land for that purpose, including the land requisite for the construction of buildings or curtilages thereof, to abut on such streets;

(*b*) constructing, establishing, or maintaining public parks, gardens, libraries, museums, lunatic asylums, halls, offices, dharmasalas, rest-houses and other public buildings;

(*c*) constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith;

(*d*) on such terms and conditions as the Government approves, the promotion, formation, extension or assistance of

(1) a co-operative society for the benefit of municipal employees; or

(2) any provident fund or benefit society whose objects include the erection, improvement, maintenance or management of suitable accommodation for the poorer and working classes

by any or all of the following means:—

(*i*) the acquisition of land with a view to selling or leasing the same to such society; or

(*ii*) the making of grants or loans thereto; or

(*iii*) subscription for any share capital therein; or

(*iv*) guaranteeing the payment of interest on money borrowed by such society or of any share capital issued thereby;

(*e*) providing accommodation for any class of servants employed by the municipal council or granting loans to such servants for construction of houses subject to the rules prescribed in this behalf;

(*f*) granting loans to encourage local arts and industries;

(*g*) planting and maintaining roadside and other trees;

(*h*) taking a census; and granting rewards for information which may tend to secure the correct registration of vital statistics;

(*i*) making a survey;

(*j*) securing or assisting to secure suitable places for the carrying on of the offensive trades mentioned in section 180;

(*k*) supplying, constructing and maintaining receptacles, fittings, pipes and other appliances whatsoever, on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipal council;

(*l*) establishing and maintaining a farm or factory for the disposal of sewage;

(*m*) providing music for the people;

(*n*) the establishment and maintenace of dairy farms;

(*o*) with the sanction of the Government, the construction, purchase, organisation, maintenance or management of—

(*i*) light railways and tramways, or

(*ii*) motor or other transport facilities for the carriage of the public,

or guaranteeing the payment from the municipal fund of such sums as the municipal council shall think fit as interest on capital expended by the Government or a company for the aforesaid purposes;

or granting loans for providing capital for any of the said purposes;

(*p*) the maintenance of an ambulance service;

(*q*) the promotion of public health or infant welfare;

(*r*) contribution towards any public fund raised for the relief of human suffering within or without the municipality;

(*s*) by a resolution passed at a general meeting and supported by two-thirds of the whole number of councillors, and with the previous sanction of the Government, any public reception, ceremony, entertainment or exhibition within the municipality; and

(*t*) the organisation or maintenance during scarcity of shops or stalls for the sale of necessaries of life;

(*u*) any other matter not hereinbefore specifically named which is likely to promote education or the public health, safety or convenience or which is necessary for the carrying out of this regulation expenditure whereon is resolved by the municipal council by the votes of not less than two-thirds of the whole number of councillors and with the approval of the Government to be an appropriate charge on the municipal fund.

one-half

one-half

the advancement of the economic condition of the inhabitants or

CHAPTER VII.

MUNICIPAL TAXATION.

72 (1) (2) (3) (4)

Public notice of time fixed for revising assessment list.

72. (1) The assessor shall, at the time of the publication of such assessment-list, give public notice of a time, not less than one month thereafter, when the revising authority will proceed to revise the valuation and assessment; and, in all cases in which any property is for the first time assessed or the assessment is increased, the assessor shall also give notice thereof to the owner or occupier of the property, if known and if the owner or occupier of the property is not known, he shall affix the notice in a conspicuous place on the property.

Revising authority.

(2) In a municipality for which there is a municipal Commissioner, such municipal Commissioner and elsewhere the managing committee or any committee or committees to which the municipal council delegates the powers and functions of the managing committee in this behalf or any officer of the Government to whom with the permission of the Government the municipal council delegates, and it is hereby empowered to delegate, the powers and functions of the managing committee in this behalf, shall, be the revising authority to whom objections under sub-section (1) may be made.

Objections how to be made.

(3) All objections to the valuation and assessment shall be made to the assessor before the time fixed in the notice, by application in writing stating the grounds on which the valuation and assesment are disputed, and all applications so made shall be registered in a book to be kept by the assessor for the purpose.

Hearing of objections.

(4) The revising authority shall, after allowing the applicant an opportunity of being heard in person or by agent,

(*a*) investigate and dispose of the objections,

(*b*) cause the result thereof to be noted in the book kept under sub-section (3), and

(*c*) cause any amendment necessary in accordance with such result to be made in the assessment-list.

Authentication of list.

(5) When all objections made under this section have been disposed of and all amendments required by sub-section (4) have been made in the assessment list, the said list shall be authenticated by the revising authority.

Custody and inspection of list.

(6) The list so authenticated shall be deposited in the municipal office, and shall there be open for inspection during office hours to all owners and occupiers of property specified therein, or to the agents of such persons and a notice that it is so open shall be forthwith published.

(5) From every order of the municipal Commissioner under sub-section (4), there shall be an appeal in accordance with the rules to be framed by the municipal council in this behalf to (the managing committee whose decision shall be final notwithstanding anything contained in sub-section (2) of section 37.

Drafts

Authentication of list.

(6) When all objections made under this section and appeals under sub-section (5) have been disposed of and all amendments in accordance with sub-sections (4) and (5) have been made in the assessment list, the said list shall be authenticated by the revising authority.

7 [(6)]

8 [(7)]

(7) Subject—

Authenticated list how far conclusive

(a) to such alterations as may thereafter be made therein, under the provisions of the next following section, and

(b) to the result of any appeal made under section 101,

the entries in the list so authenticated and deposited shall be accepted as conclusive eivdence—

(i) for the purposes of all municipal taxes, of the annual letting value or other valuation of all buildings and lands to which such entries respectively refer, and

(ii) for the purposes of any tax imposed on buildings or lands, of the amount of each such tax leviable thereon throughout the official year to which such list relates.

Amendment of assessment list.

73. (1) The revising authority may at any time alter the assessment list by inserting or altering an entry in respect of any property, such entry having been omitted from or erroneously made in the assessment list through fraud, accident or mistake, or in respect of any building constructed, altered, added to or reconstructed in whole or in part, where such construction, alteration, addition or reconstruction has been completed after the preparation of the assessment list, after giving notice to any person interested in the alteration of the list of a date, not less than one month from the date of service of such notice, before which any objection to the alteration should be made.

(4) *Special provisions relating to certain taxes.*

Fixed charges and agreements for payment in lieu of taxes for water supplied.

83. (1) The municipal council may, instead of imposing a water-rate, or where a water-rate has been imposed, in individual cases, instead of levying a rate imposed in respect of the supply of water belonging to the municipal council to, or for use in connection with, any private lands or buildings,

(*a*) fix at rates not exceeding such as shall be specified in the rules in force under section 49, charges for such supply according to the quantity used as ascertained by measurement.

(*b*) arrange with any person, on his application, to supply on payment, periodical or otherwise, water belonging to the municipal council in such quantities or for such purposes, whether domestic, ornamental, or irrigational or for trade, manufacture or otherwise, on such terms and subject to such conditions as they shall fix by agreement with such person.

Provided that—

(*a*) the meter, connection pipes and all other works necessary for and incidental to such supplies, and all future repairs, extensions and alterations of such works shall be under the control of the municipal council, and the expense thereof shall, so far as is not inconsistent with the rules or by-laws of the municipal council, be defrayed by the persons liable in respect of such supplies, and

(*b*) all such supplies of water shall be, and shall be deemed to have been granted, subject to all such conditions as to the limit or stoppage thereof, and as to the prevention of waste or misuse, as are prescribed in the bye-laws for the time being in force under section 51.

Power to fix a special rate in lieu of special sanitary cess.

(2) When the municipal council has made provision for the cleansing of any factory, hotel, club or group of buildings or lands used for any one purpose and under one management, it may, instead of levying in respect thereof any special sanitary cess imposed under this chapter, fix a special rate, and the dates and other conditions for periodical payments thereof, which shall be determined either,

(i) in accordance with the rules for the time being in force under section 49, or

(ii) by written agreement with the person who would have been otherwise liable for the cess, provided that, in fixing the amount, proper regard be had to the probable cost to the municipal council of the service to be rendered.

Power to compound tax on vehicles or animals.

(3) When the municipal council have imposed a tax on vehicles or animals used for riding, draught or burden and kept within the municipality for use, they may compound with the keeper of any livery-stable or of horses or

83 (1) (2) (3) (4)

vehicles kept for sale and hire, for the payment of a lumpsum, for any period not exceeding one year at a time, in lieu of any amount which such keeper would otherwise have been liable to pay on account of the tax imposed as aforesaid.

Composition of toll.

(4) The municipal council may compound for a period not exceeding one year at a time, with any person for a sum to be fixed in accordance with a scale approved by the municipal council and to be paid monthly, quarterly, or half yearly in advance in lieu of all tolls payable in respect of any vehicle or animal belonging to such person and issue a pass for the free admittance of the vehicle or animal, within the limits of the municipality, provided that the sum charged shall not be less than one-half of the amount which such person would have been liable to pay if the vehicle or animal had to pay toll once every day during the period for which the pass is issued.

Composition of octroi.

(5) The municipal council may compound for a period not exceeding one year at a time with any merchant, in lieu of the payment of octroi on all or any of the articles according to the rates for the time being in force, for a lumpsum which is based on the average of the duty levied from him on account of such article or articles during the past three years and which should be paid quarterly or half-yearly provided that the amount charged shall, however, be fixed with due regard to the extent of trade carried on by the merchant in the article or articles concerned.

Recovery of sums claimed under this section.

(6) Every sum claimed by the municipal council as due under sub-sections (1) as a charge fixed by agreement or otherwise on account of water-supply, or as expenses to be defrayed such as are referred to in that sub-section, or as a special rate under sub-section (2) or as a lumpsum payable under sub-sections (3), (4) and (5), shall for the purposes of chapter VIII be deemed to be, and shall be recoverable in the same manner as, an amount claimed on account of any tax recoverable under the said chapter.

Presentation of bills for octroi.

89. (1) Every officer demanding octroi by the authority of the municipal council shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Penalty for evasion of octroi.

(2) If goods passing into a municipality are liable to the payment of octroi, then every person who, with the intention to defraud the municipal council, causes or abets the introduction of, or himself introduces or attempts to introduce within the octroi limits of the said municipality, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend to ten times the value of such octroi or to fifty rupees whichever may be greater.

on conviction by a magistrate

Farming of tolls.

94. (1) It shall be lawful for the municipal council to lease the levy of any toll that may be imposed under this regulation by public auction or private contract.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of section 92: provided that no article distrained may be sold except under the orders of the municipal council.

18

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chapter VIII
Recovery of municipal claims

CHAPTER IX.

MUNICIPAL POWERS AND OFFENCES.

(I) *Powers in respect of streets.*

Power regarding street, etc.

104 [105.] (1) It shall be lawful for the municipal council to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge, or otherwise improve any such streets, and to turn, divert, discontinue, or stop up any such streets, and, subject to the provisions of sub-section (2) of section 41, to lease or sell any such land theretofore used or acquired by the municipal council for the purposes of such streets, as may not be required for any public street or for any other purposes of this regulation.

(2) In laying out or making, or in turning, diverting, widening, opening, enlarging, or otherwise improving any public street, in addition to the land required for the carriage-way and foot-ways and drains thereof, the municipal council may purchase the land necessary for the houses and buildings to form the said street, and, subject to the provision contained in sub-section (2) of section 41, may sell and dispose of such additional land in perpetuity or on lease for a term of years, with such stipulations as to the class and description of houses or buildings to be erected thereon as it may think fit.

Power to require repair of streets;

105 [106.] (1) When the municipal council consider that in any street, not being a public street, or in any part of such street, within the municipality, it is necessary for the public health convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the municipal council may by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in any manner and within a time to be specified in such notice.

and to declare such streets public

(2) After such work has been carried out by such owners or, as provided in section [186,] by the municipal council at the expense of such owners, the street or part thereof in which such work has been done shall on the joint requisition of a majority of the said owners, be declared by a public notice, put up therein by the municipal council, to be a public street

(3) If the notice under sub-section (1) is not complied with and such work is executed by the municipal council as provided in section [186,] the expenses thereby incurred shall be apportioned by the municipal council, between such owners in such manner as it may think fit, regard being had, if they deem it necessary, to the amount and value of any work already done by the owners or occupiers of any such lands or buildings.

Power to declare any street a public street subject to objections by the owners.

(4) A municipal council may, at any time, by notice fixed up in any street or part of a street not maintainable by the municipal council give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of several owners of such street or such part of a street lodges or lodge objections thereto at the municipal office, the municipal council may, by notice in writing put up in such street, or such parts, declare the same to be a public street.

Temporary closure of streets.

106 [104.] The municipal council may, by an order in writing, temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this regulation.

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

19

(2) *Powers to regulate buildings, etc.*

Setting back projecting buildings.

109. (1) If any part of a building projects beyond the regular line of a public street [either as existing or as determined upon for the future] or beyond the front of the building on either side thereof, the municipal council may,—

as prescribed under Section 108,

Notice of new buildings

115 (1)

(2)

(3)

(4)

(5) No person who becomes entitled under sub-section (2) or sub-section (4) to proceed with any intended work of which notice is required by sub-section (1), shall commence such work after the expiry of the period of one year from the date on which he first became entitled so to proceed therewith, unless he shall have again become so entitled by a fresh compliance with the provisions of sub-sections (1) to (4). [And no person to whom permission to erect or alter or add to any building has been granted before the date on which this sub-section comes into force shall be entitled to commence such work after the expiry of one year from such date.]

(6)

(7)

115

Power of Government to prohibit the erection of buildings in certain area without permission.

116. ~~110~~ (1) Notwithstanding anything contained in section ~~109~~, the Government may in the public interest and after consulting the municipal council prohibit by notification published in the official gazette, the erection of any building within a specified area in a municipality except with permission granted by the Government in this behalf;

Provided that such permission shall not be refused in the case of land which had been set apart as a building site by the Government or the municipal council prior to the publication of such notification;

(2) The grant of any permission under sub-section (1) may be subject to such conditions as may be fixed by it in each case or prescribed generally.

(3) Whoever erects any building contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2) shall be punished with fine which may extend to two hundred rupees.

(4) The Government may demolish any building erected contrary to the provisions of sub-section (1) or the conditions imposed under sub-section (2)."

Penalties

166. [165.] (1) It shall be lawful for the municipal council to publish by a notification in the official gazette that no place within municipal limits shall be used for burning bricks [for other than trade purposes] without a license from the municipal council and except in accordance with the conditions specified therein ;

Licenses to be taken for burning bricks [for other than trade purposes.]

Provided that no such notification shall take effect until sixty days from the date of publication.

(2) Any person who, after the publication of such notification, wishes to use such place for such purpose shall apply to the municipal council for a license therefor.

(3) The municipal council may by an order and under such restrictions as it thinks fit, grant or refuse to grant such license.

168 [167] (1) The municipal council may from time to time open or close any public market or slaughterhouse. It may also either take stallage or other rents or fees for the use by any person of any such market or slaughterhouse or from time to time sell by public auction or otherwise the privilege of occupying any stall or space in, or of otherwise using, any such market or slaughterhouse.

Opening, closing, and letting of markets and slaughter-houses.

(2) Any person who, without the permission or license of the municipal council, shall sell or expose for sale any article in the said markets, or use the said slaughterhouses, shall be punished with fine which may extend to twenty-five rupees.

(3) It shall be lawful for the municipal council to lease by public auction or private contract the collecting of any rent or fees which may be imposed under sub-section (1).

for a period not exceeding one year at a time

179. [178.] (1) If the Government is of opinion that risk of disease has arisen or is likely to arise, either to any occupier in, or to any inhabitants in the neighbourhood of, any area by reason of any of the following defects, namely—

Special powers which may be conferred by Government in respect of overcrowded areas notified by Government.

(a) the manner in which either buildings, or blocks of buildings, already existing or projected therein, are, or are likely to become, crowded together, or

(b) the impracticability of cleansing any such buildings, or blocks of buildings already existing or projected, or

(c) the want of drainage or scavenging, or the difficulty of arranging therein, for the drainage or scavenging of any such buildings or blocks or area as aforesaid, or

(d) the narrowness, closeness, bad arrangement or bad condition of the streets or buildings or groups of buildings,

the Government may by notification confer on the municipal counil, to which such area is subject, all or any of the powers specified in sub-section (2) and the municipal council may, subject to the limitations, restrictions, modifications, conditions or regulations, if any prescribed in this behalf, exercise within that area all powers so conferred, unless and until those powers, are withdrawn by a subsequent notification of Government.

(2) The powers all or any of which may be conferred on a municipal council under sub-section (1), are as follows:—

(a) power, when any building or block, already existing or in course of erection, by reason of any defect specified in sub-section (1), has given or is in the opinion of the municipal council likely to give rise to such risk as aforesaid, to require by a written notice, to be fixed upon some conspicuous part of such building or block and addressed as the municipal council deems fit either to the owners thereof or to the owners of the land on which such buildng or block is erected or is in course of erection, that the persons so addressed shall within a reasonable time as shall be specified in the notice, either pull down or remove the said building or block, or execute such works or take such action in connection therewith as the municipal council deems necessary to prevent all such risk of disease;

(b) power by municipal or other agency, to pull down or remove the said building or block, or to execute such works or take such action, if the persons addressed in the said notice neglect so to do within the time specified therein;

(c) power, subject to a right of appeal to [the Deputy Commissioner,] whose decision shall be conclusive, to prohibit by written notice addressed to the owner and occupier of any such site or space, and by general notice published in the manner provided in sub-section (3) of section [184] the erection of any building or of any building exceeding such dimensions as may be specified.

(i) on the side of any building which has in whole or in part in exercise of the power specified in clause (a) been pulled down or

(ii) on any space not occupied by buildings whether such space is private property or not, and whether it is enclosed or not

if the municipal council considers that in order to prevent such risk as aforesaid such site or space should not be built upon and either

(a) to acquire such site or space, or

(b) to prescribe such conditions as may be deemed necessary as to the use which the owner or occupier may make or permit to be made thereof.

Provided that in every case compensation, the amount of which shall, in case of dispute, be ascertained and determined in the manner provided in section [190,] shall be paid to any person whose rights are affected by such prohibition.

185

191

by any person under this chapter,

192. [191.] If a dispute arises with respect to any costs or expenses which are [by this regulation] directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this regulation, be ascertained and determined by the municipal council and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under chapter VIII.

Costs or expenses how determined and recovered.

CHAPTER X.

Prosecutions, Suits and Powers of Police.

Chapter XI

Municipal Accounts and Administration Reports

Prohibition of expenditure not budgetted for.

203. [202.] Except as hereinafter provided, no payment of any sum shall be made out of the municipal fund unless the expenditure of the same is covered by a budget grant, [and the balance of the municipal fund does not fall below a sum which the Government may, from time to time, fix in this behalf generally for all municipalities or specially for any municipality] provided that the following items shall be excepted from this prohibition, namely :—

(*a*) refunds of taxes and other moneys which the municipal council is authorised by the regulation or the rules made thereunder to make ;

(*b*) repayments of moneys belonging to the contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake ;

(*c*) sums which the municipal council is required or empowered by this regulation to pay by way of compensation ;

(*d*) every sum payable—

(i) under sections 218 and 225 by order of the Deputy Commissioner and under sections 219, 220, 221, 223 and 225 by order of the Government,

(ii) under a decree or order of a civil court passed against the municipal council,

(iii) under a compromise of any suit or other legal proceeding or claim ;

(*e*) expenses incurred in the exercise of powers conferred by sections 59 (*a*), 173, 174 and 176 ;

(*f*) all contributions payable by the municipal council to Government for the maintenance of water supply, dispensaries, schools and other institutions managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or local authorities.

Presentation of Accounts.

203. (1) Every municipal council shall have prepared and laid before it, at its periodical general meetings, complete accounts of the receipts and expenditure of the municipal council since the first day of July last preceding and at a general meeting which shall be held between the first day of February and the first day of April a complete account of the actual and expected receipts and expenditure for the official year ending on the thirtieth day of June next following, together with a budget estimate of the income and expenditure of the municipal council for the official year to commence on the first day of July next following.

Budget estimates.

(2) The municipal council shall thereupon decide upon the appropriations, and the ways and means contained in the budget of the year to commence on the first day of July next following. The budget as passed by the municipal council shall be sent to the Government before such date as may be fixed by the Government.

(3) In such budget estimate, the municipal council shall, among other things—

(*a*) make adequate and suitable provisions for such services as may be required for the fulfilment of the several duties imposed on the municipal council by this regulation or any other law;

(*b*) provide for the payment, as they fall due, of all instalments of principal and interest for which the municipal council may be liable in respect of loans contracted by it;

(*c*) provide for the payments of all sums payable to the Government under sections 219 and 220 and of all contributions for the maintenance of water supply, dispensaries, schools and other institutions or services managed by the Government on behalf of the municipal council or on behalf of the municipal council and any other local authority or authorities;

(*d*) allow for a balance at the end of the said year of not less than the sum fixed under sub-section (1) of section 202.

(4) If the budget as submitted, fails to make adequate provision for the matters specified in sub-section (3), the Government may modify any part of the budget so as to ensure that such provision is made.

Revision of budget.

205 [204.] If, in the course of the official year, the municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may do so, provided that ~~no alteration shall be made, without the approval of the Government,~~

(*a*) ~~without the approval of the Government~~ in the amounts allotted for the several items specified in clauses (*b*) and (*c*) of sub-section (3) of section 203 and

(*b*) the closing balance shall not be reduced below the sum fixed under sub-section (1) of section 202.

Audit of accounts

207 [206.] (1) The municipal accounts shall, from time to time and once in every year at the least, be audited by [a Government auditor] and also by such other agency, if any, as may be prescribed in the rules of the municipal council.

an auditor appointed by the Government

(2) The auditor or auditors shall, for the purposes of their office, have access to all the accounts and other records of the municipal council.

(3) The municipal council shall pay from the municipal fund such charges for the audit as may be agreed upon, [or if the auditor is a Government auditor, then] such charges as may be prescribed by the Government.

and in the case of a Government auditor

× × ×

Recovery of amounts disallowed.

212 [211.] Every sum certified to be due from any person by the Deputy Commissioner under this regulation shall be paid by such person to the municipal council within one month after the intimation to him of the said decision unless within that time such person has appealed to the court or to the Government against the decision; and such sum if not so paid, or such sum as the court or the Government shall declare to be due, shall be recoverable [on an application made by the municipal council to the court in the same way as an amount decreed by the court.]

by the Deputy commissioner as an arrear of land revenue and credited to the municipal fund

× × ×

Annual administration report.

215 [214.] (1) As soon as may be after the first day of July in every year and not later than such date as may be fixed by the Government, the municipal council shall submit to the Deputy Commissioner, a report on the administration during the preceding official year in such form and with such details as the Government may direct.

[(2) In municipality for which there is a municipal commissioner, the municipal commissioner and in other municipalities the president, shall prepare the report; the municipal council shall consider the report and forward it to the Government with its resolution thereon.]

(3) The report [shall] be published in such manner as the municipal council, subject to the approval of the Government, may direct.

(2) In a municipality for which there is a municipal commissioner the municipal commissioner and in other municipalities the President shall prepare the report and place it before the municipal council for consideration and forward it to the Government with the resolution of the municipal council thereon.

Headings

chapter XII

control

* * * *

Agency for execution of public works.

220. [219] (1) Such public works as in the opinion of Government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Government or by such agency as the Government may direct.

(2) All other works of the municipal council shall be executed by such agency and subject to such supervision as the municipal council thinks fit, subject to the rules prescribed in this behalf.

(3) When any work is executed for a municipal council by the Government or by any other agency under the orders of the Government, the expense incurred on the work together with the charges for supervision and for tools and plant at such rates as may be fixed by the Government, from time to time, unless waived by the Government, be payable to the Government.

(4) If the amount due to the Government under sub-section (3) is not paid within a reasonable time, the Government may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Special provision in regard to works executed by Government.

221. [220] (1) Notwithstanding anything contained in this regulation, it shall be lawful for the Government at any time

after consulting the municipal council

(*a*) to construct any work or works of a permanent nature which, in the opinion of Government, is or are necessary or desirable for the health, safety or convenience of the inhabitants, whether within any municipality or without it wholly or in part;

(*b*) to retain the management and maintenance of any such work or to entrust the same, in whole or in part, to the municipal council, or to resume the same from the municipal council;

(*c*) to recover the capital cost of any such work and of its management and maintenance, together with interest thereon at such rate as the Government may fix, from the municipal fund or from the proceeds of any tax or taxes imposed under this regulation;

* * * * *

Power of Government to provide for performance of duties, in default of municipal council.

224. [223] (1) * * * *

(2) *

(3) * * * *

Power of Government to direct person in custody of municipal fund to pay Government dues.

225. If a municipal council makes default in the payment of any amount due to the Government it may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund and such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

"The Government after consulting the municipal council may direct that such public works as in the opinion of the government require a degree of professional skill which may not be at the disposal of the municipal council shall be carried out by the Govt. or by such agency as the Government may specify."

(2) * * * *

(3) * * * *

If after such enquiry as the Government may consider necessary the Government is of opinion that

226. [224.] (1) [If] in the opinion of the Government any municipal council is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this regulation, or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it in the official gazette, declare the municipal council to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Power of Government to supersede municipal council in case of incompetency, default, or abuse of powers.

dissolve or

may dissolve such municipal council or

(2) When the municipal council is so superseded, the following consequences shall ensue :—

Consequences of exercise of such power.

dissolved or

(*a*) all councillors of the municipal council shall, as from the date of the order, vacate their offices as such councillors ;

in the case of dissolution as from the date specified in the order of dissolution and in the case of supersession from the date of the order of supersession

(*b*) all powers and duties of the municipal council shall, during the period of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf ;

between dissolution and re-constitution or

(*c*) all property vested in the municipal council shall, during the period of supersession, vest in the Government.

between dissolution and re-constitution or

Power after enquiry to continue period of supersession.

(4) [(3)] If, after enquiry made, the Government so directs, the period of supersession with all the consequences aforesaid shall from time to time, be continued by an order published as aforesaid until such date as may be fixed by the Government for the re-establishment of the municipal council.

(3) On the issue of an order under sub-section (1), the municipal council shall by the election or appointment of councillors be reconstituted—

(*i*) in the case of dissolution on the date specified in the order, or

(*ii*) in the case of supersession, on the date specified in the order under sub-section (1) or sub-section (4) as the case may be.

dates

[(4) The municipal council shall be re-established by the election or appointment of new councillors under the provisions of this regulation applicable thereto—

(*a*) if no direction has been made under sub-section (3), then on the expiration of the period specified in the order of supersession under sub-section (1), and

(*b*) if a direction has been made under sub-section (3), then on such date as is fixed under that sub-section for the re-establishment of the municipal council.]

× × × ×

Power of Government to make rules and orders.

228 [226.] (1) The Government may make rules or orders generally for the purpose of carrying into effect the provisions of this regulation and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government may make rules or orders—

(*a*) with reference to all matters expressly required or allowed by this regulation to be prescribed;

(*b*) (i) for fixing the dates and the time and manner of holding elections general or casual, of councillors to be elected;

(ii) for prescribing the qualifications of voters and of candidates;

(iii) for preparing and revising the lists of voters from time to time, fixing the date after which no application for enrolment in any such list under preparation or revision shall be received, declaring the manner in which the right to vote of any undivided family, or any company or firm or any other association or body of individuals, or any trustees of any building or land, being two or more in number, entered in such list, may be recorded and exercised and prescribing the restrictions, if any, on the number of votes which a voter may give;

(iv) for determining the manner in which and the authority by whom any objection to such lists in regard to the names entered therein or omitted therefrom may be heard and decided, and to what authority the appeals as to such entries and omissions shall lie;

(v) for prescribing the date, subject to the provisions of sub-section (1) of section 11 for the publication of the municipal election roll;

(vi) for regulating generally elections of councillors and other matters incidental or ancillary thereto including deposits to be made by candidates standing for election and the conditions under which such deposits may be forfeited.

(*c*) for the regulation of all or any of the matters specified in clauses (*c*), (*e*), (*f*), (*g*) and (*h*) of section 49.

(*d*) the contributions to be made by the municipal council to the pension and leave allowances of an officer who is serving or while having served under a municipal council has been or is transferred from or to the service of the Government, or is partly employed by the Government and partly by a municipal council.

(*e*) as to the staff of officers and servants to be employed by municipal councils and the respective designations, duties, salaries, fees and absentee or other allowances of such officers and servants, and their powers and duties;

(e) [f] ⁂

(f) [(g)] ⁂

(g) [(h)] ⁂

(h) [(i)] ⁂

(i) [(j)] ⁂

(j) [(k)] ⁂

[(k) as to the intermediate offices, if any through which correspondence between municipal councils and the Government or Government officers shall pass;]

(k) [(m)] ⁂

(l) [(n)] ⁂

(k) for the Regulation of all matters connected with the grant of permission under Section 11b.

(3) ⁂

[(4) All rules made by the Government under this regulation shall be published in the official gazette both in English and Kannada and such rules shall have the force of law after one month from the date of such publication.]

(4) The power of government to make rules under this Regulation shall be subject to the condition of previous publication. All rules made by the government under this Regulation shall be published in the official gazette both in English and Kannada and shall thereupon have effect as if enacted in this Regulation.

Italics

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CHAPTER XIII.

APPOINTMENT AND POWERS OF CHIEF AND OTHER MUNICIPAL OFFICERS.

* * *

CHAPTER XIV.

MUNICIPAL COMMISSIONER, HIS POWERS AND DUTIES.

* * *

Appointment of municipal commissioner.

239. [237.] (1) Notwithstanding anything contained in chapter XIII, the Government may appoint a municipal commissioner for any city municipality.

(2) On the appointment of a municipal commissioner, the appointment of chief officer, if any, shall forthwith terminate, provided that the appointment of a municipal commissioner shall not be made until such notice has been given to the chief officer, if any, as the term of his appointment entitles him to receive and until the expiry of the period specified in such notice.

(3) The Government may, at any time discontinue the appointment of a municipal commissioner for any municipality for which such appointment has been made.

Removal from office.

240. [238.] (1) A municipal commissioner who is not a salaried servant of Government shall hold office for a period of three years, in the first instance, and thereafter for such further period not exceeding three years, at a time as the Government may in each case determine. A municipal commissioner who is a salaried servant of Government shall hold office for such period as the Government may from time to time fix in each case.

(2) A municipal commissioner may be removed from office at any time by the Government if it shall appear to the Government that he is incapable of performing the duties of his office or has been guilty of any misconduct or neglect which renders his removal expedient.

(3) The Government shall remove the commissioner from office, if at a special meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal.

(3) The municipal commissioner shall be removable from office by the Government if at a special general meeting of the municipal council called for the purpose, not less than two-thirds of the whole number of councillors vote for such removal.

Districts

* * *

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Powers of municipal commissioners and limitations thereon.

245 [243.] A municipal commissioner shall exercise the powers hereinafter specified, and such other executive powers as may be delegated to him by the municipal council under the provisions of this regulation :—

(1) he shall, subject to the provisions of this regulation and save where it is otherwise expressly provided in this regulation, perform and exercise the duties and powers of the president under clauses (*b*), (*d*), (*e*), [(*f*)] and (*g*) of sub-section (1) of section [245];

(2) he shall exercise all the powers specifically conferred on the chief officer by the provisions of this regulation ; and

(3) he may make such requisition by written notice, give such written consent or permission, issue such orders and prohibitions, exercise all such powers and perform all such duties as may be made, given, issued, exercised and performed by a municipal council under any of the provisions contained in the following sections or sub-sections, namely :—

section 81,
section 83,
section 91,
section 93,
section 106,
section 107,
section 109,
section 110,
section 112,
section 115,
section 117,
section 119,
section 120,
section 123,
section 125,
section 126,
section 127,
section 128,
section 129,
section 130, sub-section (2),
section 132, sub-settion (1),
section 134,
section 137,
section 138,
section 173,
section 174,
section 176,
section 177,
section 180,
section 186,
section 187,
section 189,
section 191,
section 192, and
section 193,

Provided as follows :—

(*a*) The powers conferred on the municipal council by or under the provisions contained in section 83, section 106, section 107, section 110, sub-section (1) of section 128, section 134, sub-section (1) of section 137, and, in the case of a well, section [158] shall not be exercised by the municipal commissioner except subject to the general or special orders of the municipal council or, in the absence of such orders, with the previous approval of the municipal council;

(b) the powers conferred on the municipal council by or under any of the provisions of this regulation (i) to make rules or bye-laws, and (ii) to authorise the president or the vice-president, or a committee or a councillor to do anything, shall not be exercised by the municipal commissioner;

(c) Property, whether movable or immovable, vested in or belonging to or otherwise held by the municipal council, shall not be deemed to vest in or belong to or otherwise to be held by the municipal commissioner;

(d) The power conferred by section 192 to direct a prosecution or to order proceedings to be taken for the punishment of any person offending against the provisions of the following sections or sub-sections shall not be exercised by the municipal commissioner except with the previous approval of the municipal council;

section 46, sub-section (4) of section 107, section 164 and clause (j) of sub-section (2) of section 230.

Powers of municipal commissioner to appoint, grant leave, punish and dismiss.

246. (1) A municipal commissioner shall have, independently of such powers as may be delegated to him by the municipal council in this behalf, power without the sanction of the municipal council—

(a) to appoint, subject to the rules for the time being in force, a fit person to any post under the municipal council, the monthly salary for which does not exceed one hundred rupees, other than to the post of health officer, engineer, chief accountant, manager or auditor;

(b) to grant, subject to the rules for the time being in force, leave of absence to the holder of any post to which the municipal commissioner has power to appoint, and to appoint a fit person to act for such holder during such absence;

(c) to fine, reduce, suspend or dismiss the holder of any post to which the municipal commissioner has power to appoint.

Provided that no holder of a post the monthly salary for which exceeds fifty rupees, shall be dismissed by the municipal commissioner without the approval of the municipal council.

(2) When a municipal commissioner has been appointed under the provisions of this regulation, all other officers and servants employed by the municipal council shall be subordinate to him.

Order not subject to appeal except in certain cases.

247. No appeal shall lie to the municipal council in respect of any order passed or anything done by a municipal commissioner in the exercise of powers conferred upon him by or under the provisions of this regulation except in the case of an order passed or anything done by him under any of the following provisions, namely :—

(i) Sub-sections (1) and (2) of section 109 (ii) sub-section (1) of section 117 (iii) sub-section (1) of section 119 (iv) sub-section (1) of section 123 (v) sub-section (2) of section 153 (vi) section 154 (vii) section 180 (viii) section 181 (ix) clause (b) of sub-section (1) of section 186 and (x) clause (c) of sub-section (1) of section 247 in respect of an order of dismissal.

(i) Sub-section (4) of section 107,
(ii) Sub-sections (1) and (2) of section 109,
(iii) clause (b) of sub-section (1) of section 185,
~~(iv) Sub-section (4) section 107~~
~~(v) Sub-section (1) of section 185~~
(vi) Sub-section (1) of section 118,

(iv) Sub-Section (1) of Section 120,
(v) Sub-Section (1) of Section 124,
(vi) Sub-Section (2) of Section 154,
(vii) Section 155,
(viii) Section 181,
(ix) Section 182,
(x) clause (b) of Sub-Section (1) of Section 189,
(xi) Section 192,
(xii) clause (c) of Sub-Section (1) of Section 248 in respect of an order of dismissal.

Italics

SCHEDULE I.

Section 64, Clauses (i), (vi) to (x) and (xiii).

MAXIMUM RATES OF TAXES OTHER THAN OCTROI, TERMINAL TAX, TAXES ON VEHICLES AND ANIMALS, TOLLS, TAXES ON ARTS, PROFESSIONS, TRADES AND CALLINGS AND SHOP-TAX.)

Taxes	Maximum rate per year
A. Rate on buildings or lands or both.	
(i) Lands not occupied by buildings and not appurtenant to any building or attached thereto for use therewith as a garden or pleasure ground or for the pasturage of animals kept for private use.	Eight annas for every one hundred square yards.
(ii) Buildings or lands or both not falling under (i)	Six per centum on the annual letting value.
B. Tax on dogs ..	One rupee per head.
C. Special Sanitary Cess ..	Rates that may be notified by the Government from time to time.
D. General Sanitary Cess ..	Do do
E. Water rate or water rates ..	Do do
F. Lighting tax	One-third of the rate leviable under item (A).
G. Other taxes leviable under clause (xii) of section 67.	Rates to be fixed by Government in each case.

Strike

Strike

Rates that may be notified by the Government from time to time provided that the rates fixed are deemed by the Government to be reasonable with reference to the expenditure of providing the water supply.

Italics